Aulus Gellius and Roman antiquarian writing.

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Abstract

This thesis assesses the nature and importance of Roman antiquarian writing, an aspect of Roman scholarship which has received little attention from its modern counterpart. Little of this literature has survived: the role of Aulus Gellius in this thesis is that of a guide: he was a man with antiquarian interests, and his work, the *Attic Nights*, contains much antiquarian material and preserves valuable fragments of earlier antiquarian writing.

Antiquarianism in ancient Rome was the scholarly study of Rome's past, of which it could cover any aspect, although there was an emphasis on the institutions of public, religious, military and private life. By its lack of literary pretension and the systematic treatment of its subjects, antiquarianism contrasted with and complemented the rhetorical, literary nature of Roman historiography.

Chapter One sets forth a working hypothesis of Roman antiquarianism and assesses ancient and modern perceptions of antiquarianism: Roman antiquarianism apparently won wide approval from contemporaries. Chapter Two traces the history of antiquarian writing from the second century B.C. to the second century A.D. by reference to those who may be characterised as antiquarian writers, and Varro's contribution to antiquarian scholarship is quantified. What emerges from this is that there was a continuous tradition of antiquarian writing throughout this period and probably beyond, which suggests that antiquarianism was a central discipline in the intellectual life of Rome. Chapter Three examines what may be discovered of the characteristics of this tradition of antiquarian writing, the methods of the antiquarians and their interests. Chapter Four provides an introduction to Roman antiquarian writing on the political institutions of Rome, while Chapter Five is a detailed examination of Roman antiquarian writing on the Roman magistracies, and serves as a case study.

The identification of a tradition of antiquarian writing at Rome and the examination of its methods form necessary prolegomena to the important questions of its aims and its place in the intellectual life of Rome. Chapter Six forms the conclusion, which also concerns itself with the role of antiquarian scholarship in society.

Contents

Abbreviations

Names of ancient authors and their works are abbreviated in the manner of *The Oxford Classical Dictionary*, with adaptations, except the following which are cited without author, as shown:

D.	Justinian, *Digest*
LL	Varro, *De Lingua Latina*
NA	Aulus Gellius, *Noctes Atticae*
NH	Pliny, *Naturalis Historia*
QR	Plutarch, *Quaestiones Romanae*
RD	Varro, *Antiquitates Rerum Divinarum*
RH	Varro, *Antiquitates Rerum Humanarum*
RR	Varro, *De Rebus Rusticis*
GLK	*Grammatici Latini* (ed. H. Keil) (Leipzig, 1855-1880)
HRR	*Historicorum Romanorum Reliquiae*² (ed. H. Peter) (Leipzig, 1906 - 1914), (repr. with augmented bibliography, Stuttgart, 1967)

Note also the three following modes of reference to the surviving epitomes of Verrius Flaccus' *De Verborum Significatu*:

Fest.	Festus, *De Verborum Significatu*
Paul., *Fest.*	Paulus Diaconus, *Excerpta ex libris Pompeii Festi de Significatione Verborum*

Both cited by page number and lemma of the edition of K. O. Müller, (Leipzig, 1880): e.g. Paul., *Fest.* 82 *exemplum* refers to the explanation under the lemma *exemplum* on page 82 of Müller's edition.

Lindsay, *Gloss. Lat.*	'Festus' (ed. W. M. Lindsay) in *Glossaria Latina* 4 (Paris, 1930), 71-467.

The commentary on Vergil of Servius and the so-called Servius Danielis is cited simply as 'Serv.', from the edition of G. Thilo (Leipzig, 1878-1902). The works of Fronto are cited from the Teubner edition of M. P. J. van den Hout (Leipzig, 1988).

Names of journals and series are abbreviated in the manner of *L'Année Philologique*; the following works are cited as shown:

Berthold, *Gellius*	H. Berthold, *Aulus Gellius. Aufgliederung und Auswahl seiner Themen* (Diss. Leipzig, 1959).
Boissier, *Varron*	G. Boissier, *Étude sur la vie et les ouvrages de M. T. Varron* (Paris, 1861).
Bona, *Verrio Flacco*	F. Bona, *Contributo allo Studio della composizione del "De verborum significatu" di Verrio Flacco,* Collana della Fondazione G. Castelli No. 34 (Milan, 1964).
Congr. Stud. Varr.	*Atti del Congresso Internazionale di Studi Varroniani* (Rieti, 1976).
Dahlmann, 'Varro'	H. Dahlmann, 'M. Terentius Varro', *RE* Suppl. 6 (1935), 1172-1277.
Dahlmann, 'Varroniana'	H. Dahlmann, 'Varroniana', *ANRW* 1.3 (1973), 3-25.
Della Corte, *Svetonio*	F. Della Corte, *Svetonio, eques romanus*² (Florence, 1967).
Della Corte, *Varrone*	F. Della Corte, *Varrone. Il terzo gran lume di Roma*² (Florence, 1970).
Friedländer, *Sittengeschichte*	L. Friedländer, *Darstellungen aus der Sittengeschichte Roms in der Zeit von Augustus bis zum Ausgang der Antonine*¹⁰ (revised by G. Wissowa, Leipzig, 1923).
Holford-Strevens, *Gellius*	L.A. Holford-Strevens, *Aulus Gellius* (London, 1988).
Momigliano, 'Antiquarian'	A.D. Momigliano, 'Ancient History and the Antiquarian' reprinted (from *JWI* 13 [1950], 285-315) in *id.*, *Contributo alla Storia degli Studi Classici* (Rome, 1955), 67-106.
Nettleship, 'Gellius'	H. Nettleship, 'The Noctes Atticae of Aulus Gellius', *AJP* 4 (1883), 391-415 (reprinted in *id., Lectures and Essays on subjects connected with Latin Literature and Scholarship* [Oxford, 1885], 248-276).

Rawson, 'Cicero'	E. Rawson, 'Cicero the Historian and Cicero the Antiquarian', *JRS* 62 (1972), 33-45.
Rawson, *Intellectual Life*	E. Rawson, *Intellectual Life in the Late Roman Republic* (London, 1985).
Reitzenstein, *Verrianische*	R. Reitzenstein, *Verrianische Forschungen*, Breslauer Philologische Abhandlungen 1. Band, 4. Heft (Breslau, 1887).
Schanz-Hosius	M. Schanz, *Geschichte der römischen Literatur bis zum Gesetzgebungswerk des Kaisers Justinien*. 4. neubearbeitete Auflage von C. Hosius und G. Krüger, Handbuch der Altertumswissenchaft 8. Abt. (Munich, 1914-1935, repr. Munich, 1959-1967).
Schulz, *RLS*	F. Schulz, *History of Roman Legal Science* (Oxford, 1946).
Skydsgaard, *Varro*	J. E. Skydsgaard, *Varro the Scholar: Studies in the First Book of Varro's De Re Rustica,* Analecta Romana Instituti Danici IV Supplementum (Copenhagen, 1968).
StR	T. Mommsen, *Römisches Staatsrecht*[3] (Leipzig, 1887-8).
Strzelecki, *Verrianae*	W. Strzelecki, *Quaestiones Verrianae,* Prace Towarzystwa Naukowego Warszawskiego. Wydzial 1. No. 13 (Warsaw, 1932).
Wallace-Hadrill, *Suetonius*	A. Wallace-Hadrill, *Suetonius. The Scholar and his Caesars* (London, 1983).

1 Introduction

Ancient Rome was as interested in her past as are historians today and antiquarian writing was an important written outlet for this interest. But, while the literary character of Roman historiography is well known, the character of Roman antiquarian writing has yet to be fully established and its importance in the intellectual life of Rome has largely gone unnoticed. Antiquarianism in ancient Rome appears as nothing less than the scholarly study of the past in all its aspects. It was a scholarly genre, which could admit discussions of detail and could cite documentary evidence as well as other writers. It thus occupies a position partly contrasting with, partly complementing ancient historiography, which was constrained by its being a rhetorical, literary genre. An understanding of Roman antiquarian scholarship is an essential counterpart to that of Roman historiography if we are ever to see the full picture of the Roman view of the past.

This thesis aims to illuminate the character of antiquarian scholarship at Rome through the study of antiquarian writing on the magistracies of Rome. Before we can turn our attention to this, however, I should first make clear my understanding of the term 'antiquarianism' and then go on to identify those who may be characterised as antiquarians, before proceeding to consider their place in, and contribution to, a tradition of antiquarian writing at Rome. Thus this chapter will provide a working hypothesis of antiquarianism and will discuss the problems in applying this hypothesis and the ancient perception of antiquarianism. Chapter Two will consider the antiquarian writers themselves,

while Chapter Three aims to delineate the outlines of the antiquarian tradition into which we may place these writers; that is to ascertain to what extent these writers shared a common methodology and common interests. After an introduction to antiquarian writing on Rome's political institutions we turn to one aspect of this, the Roman magistracies. Chapter Five represents, then, a case study, which aims to discover how the antiquarian scholars of Rome approached a subject: what the nature is of the material which they present and how they present it.

1. Roman Antiquarianism: a working hypothesis

It would be helpful at this point to refer to a generally accepted definition of antiquarianism. But none exists, as was noticed by Momigliano and Wallace-Hadrill.[1] Marcus Terentius Varro is undoubtedly one of the most important figures in Roman antiquarianism, but it would seem that too often Varro is simply assumed to be an antiquarian scholar, and that by definition the Varronian *oeuvre*, and later works which follow it, are taken as antiquarianism. Modern scholarship seems not to have considered the questions of what antiquarianism at Rome was and how and why it developed. The primary aim of the present work is to answer the first of these questions.

In the modern world antiquarianism has an air of futility and uselessness about it: for students of ancient history, it seems to contrast with 'proper' history as the pointless pursuit and accumulation of information about the past. Similarly the use of 'original instruments' in musical performance is sometimes called antiquarian by its critics. Interestingly, a recent review of a performance of a selection from the medieval *Carmina Burana* praised the performers, who "shun the quaint, fusty image of antiquarianism. They are recreating music for our time, making almost a virtue of its folksy melodic, rhythmic and modulatory limitations."[2] ("The quaint, fusty image of antiquarianism" no doubt also owes something to the connection in the modern mind of 'antiquarian' with 'booksellers'.)

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1 Momigliano, 'Antiquarian', 72 n.12; Wallace-Hadrill, *Suetonius*, 42; 128 n.10.
2 C. Grier, *The London Evening Standard*, 29th July 1988, p.37.

'Antiquarian' seems often to imply the lack of interpretation or critical judgement, a frequent qualification being the dismissive word 'mere' (as in "mere rhetoric", so "mere antiquarianism"). In the *Oxford English Dictionary* antiquarianism appears almost as a term of abuse: in the quotations given we find Dr. Johnson in 1778 referring to a "mere antiquarian" and William Warburton in 1779 despising someone for his antiquarianism.[3] From the date and general tenor of these comments arises another factor: the connection in the modern mind of antiquarianism with the 'gentleman antiquaries', particularly the British antiquaries of the sixteenth, seventeenth and eighteenth centuries. As we shall see, the conception of ancient antiquarianism suffers, in part at least, from that of its more modern counterpart. It is to avoid as far as possible this connection that I shall call the ancient scholars 'antiquarians' rather than 'antiquaries'.

While some of the Latin authors, whom we may characterise as antiquarians, or (more typically) some of their works, have received some, if often isolated, attention, modern scholarship on ancient antiquarianism is sparse. As Skydsgaard commented, "it is almost strange to note the extent to which the adoption of any attitude to the antiquarian tradition is avoided".[4] Notable contributions, however, have been Peter's chapter on 'Die antiquarischen Studien und die Curiositas' in his *Die geschichtliche Litteratur*, the essays by Momigliano on 'Ancient History and the Antiquarian' and by Rawson on 'Cicero the Historian and Cicero the Antiquarian', together with the chapter on antiquarianism in Rawson's *Intellectual Life in the Late Roman Republic* and Wallace-Hadrill's *Suetonius. The Scholar and his Caesars*, which rightly stresses the antiquarian background to Suetonius' biographies.[5]

Both Wallace-Hadrill and Rawson, in her essay on Cicero, presuppose a definition of antiquarianism: their views of it, however, are not made explicit. Peter gives us essentially only an annotated list of those who wrote on Rome's past but were not historians: while he does not attempt to define what antiquarian studies were, he clearly regards them as an unrhetorical parallel to

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3 *OED*, *s.vv.* 'antiquarianism', 'antiquary', 'antiquarian'. The latter two are virtually synonymous.

4 Skydsgaard, *Varro*, 121 n.12.

5 H. Peter, *Die geschichtliche Litteratur über die römische Kaiserzeit bis Theodosius I und ihre Quellen* (Leipzig, 1897), vol. 1, ch. 3, pp. 108-158; Momigliano, 'Antiquarian'; Rawson, 'Cicero'; Rawson, *Intellectual Life*; Wallace-Hadrill, *Suetonius*.

historiography. We should turn then to Momigliano's essay and Rawson's *Intellectual Life*, where the authors made clear their understanding of antiquarianism. Momigliano assumed

> that to many of us the word "antiquary" suggests the notion of a student of the past who is not quite a historian because: 1) historians write in a chronological order; antiquaries write in a systematic order; 2) historians produce those facts which serve to illustrate or explain a certain situation; antiquaries collect all the items that are connected with a certain subject, whether they help to solve a problem or not. ... The subject matter contributes to the distinction between historians and antiquaries only in so far as certain subjects (such as political institutions, religion, private life) have traditionally been considered more suitable for systematic description than for a chronological account.[6]

Rawson's *Intellectual Life* is probably the first work, in English at least, to see antiquarianism as an intellectual discipline in its own right, which would repay modern study. She too stressed the contrast between history and antiquarianism:

> Historiography ... usually aims at a serious didactic goal, moral or practical or both, and at literary elegance ... But antiquarianism is a scholarly genre; it is presented in the learned treatise, usually descriptive rather than chronological in structure, which owing to its lack of literary pretension can quote documents, argue about their interpretation and retail the views of other authorities at more length than the historian can (though in Rome it can also have a moral purpose ...). ... [Antiquarianism] could ... cover almost any aspect of the life of the past, though there was a bias to religious customs and political institutions. It moved close to *grammatica*, especially to its branches of etymology and glossology, and it was thus less unliterary, in one sense, than Renaissance and post-Renaissance antiquarianism was often to be, since it was happy to use old poets and other writers as evidence. It also stressed, more than its later descendant did, the giving of causes or origins ...

and earlier in the same work Rawson, referring to the first decades of the first century B.C., observed that

> antiquarianism, developing in scope and to some extent in sophistication, was largely taken over by professional or near-professional scholars who used the learned monograph, rather than the continuous annalistic narratives of the historians.[7]

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6 Momigliano, 'Antiquarian', 69.
7 Rawson, *Intellectual Life*, 233, 218.

These two views are of course complementary: the key points are the systematic rather than chronological treatment by the antiquarians of their material (this seems to be Momigliano's main criterion for identifying antiquarianism in this essay and elsewhere); the scholarly nature of antiquarianism (also implied by Peter); its use of the learned monograph; and the lack of literary pretension. It is also implicit in these views that antiquarian writing was in prose: there was a close verse relation in aetiological poetry, though the two seem to have remained largely separate. In the present work we are concerned with prose antiquarianism.[8] The contrast with ancient historiography is worth stressing, for, as Rawson suggested, Roman antiquarianism appears to have been essentially the scholarly study of the past in all its aspects. And hence it appears as a sort of non-*Kunstprosa* history, possibly more recognisable as 'history' to modern historical scholarship than is ancient historiography: Peter must surely have been correct to see the growth of antiquarian scholarship at Rome as a reaction to the primacy of rhetoric in historiography with its concomitant "geringere Genauigkeit". It is interesting that Rawson not only saw Cicero as having inherited from the antiquarian studies which flourished in his youth "his sophisticated feeling for the past, not unlike that of the modern sensibility", but also suggests (undoubtedly correctly) that one reason why Cicero never wrote a history was because he would not have been able to reconcile the stylistic and moral demands/aims of historiography with the factual scholarship of antiquarianism. The indifference towards literary style and rhetorical influences is one of several characteristics shared with juristic writing.[9] Rawson and Momigliano compare antiquarianism with historiography, though without mentioning an important characteristic shared by both the historians and the antiquarian scholars: they were amateurs. This needs stressing at the outset, for it is very easy to assume that they might be comparable to the grammarians or to other professionals, or even to modern academics: it is important to bear in mind that the Roman antiquarian scholars did

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8 On the chief representatives of Roman antiquarian verse writing (i.e. Propertius and Ovid), cf. J. F. Miller, 'Callimachus and the Augustan Aetiological Elegy', *ANRW* 2.30.1 (1982), 371-417. Varro wrote a work entitled *Aetia*, but it is unclear whether this was in verse or prose (or both).

9 H. Peter, *Wahrheit und Kunst. Geschichtschreibung und Plagiat im klassischen Altertum* (Leipzig-Berlin, 1911), 418-424. Rawson, 'Cicero', 34, 43.

not operate within the professional constraints of such people. Varro, for instance, spent a number of years as Pompey's lieutenant in Spain and in the Mediterranean; similarly, the elder Pliny and Suetonius were imperial bureaucrats. Their studies they carried out in their spare time.

a) The Interests of Roman Antiquarianism

Both Rawson and Momigliano mention political institutions and religion as particularly antiquarian subjects. To include political institutions is undoubtedly correct, for there is much information on Rome's political institutions in antiquarian writing; though Rawson is correct to limit religion to 'religious customs': 'religious institutions' may be a better term, for the study of institutions is a recurrent one. 'Religion' alone - in its modern divinity-centred sense - would seem a less applicable term since Roman antiquarianism would seem to regard the gods and goddesses themselves as a peripheral subject of less interest. Maslakov, in his sketch of 'The Roman Antiquarian Tradition in Late Antiquity' over-emphasises the religious studies of Roman antiquarianism; he does not note that this aspect of antiquarian scholarship is now better represented than the other areas of antiquarian interest, because of the interests of the Christian writers. Maslakov is, however, correct to stress the antiquarian "concern for the *totality* of historical development of the *respublica*."[10]

Rawson was undoubtedly correct to suggest that Roman antiquarianism could "cover almost any aspect of the life of the past", for (as Momigliano noticed in his 'definition' also) there is a certain encyclopaedic tendency in much antiquarian writing and antiquarian scholars often appear to be polymaths.[11] Hence Momigliano's example of 'private life' is indeed one of the antiquarians' interests. I would hold that, again, it is the institutions by which private life was governed (including, for example, marriage and funerary practice) that are at the centre of the antiquarians' interest in this area, rather than any attempt to write a

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10 G. Maslakov, 'The Roman Antiquarian Tradition in Late Antiquity' in B. Croke & A.M. Emmett (eds.), *History and Historians in Late Antiquity* (Sydney, 1983), 100-106, pp. 101f. Moralising, the third strand detected by Maslakov, probably should not receive the same emphasis: see below pp. 19f. and pp. 165-172.

11 It is perhaps not irrelevant that the library of the Warburg Institute in London shelves the *Noctes Atticae* of Aulus Gellius and some works of and on Varro under encyclopaedias. The dilettantism of Roman scholars was stressed by H. Dahlmann, 'Der römische Gelehrter', *Das humanistische Gymnasium* 42 (1931), 185-192, esp. 186.

social history of Rome. Subjects which had no place in Roman historiography, such as the origins and history of foodstuffs and domestic equipment, also recur in antiquarian writing. 'Private life' happens, however, to be less well represented in the surviving fragments of the antiquarian tradition than are such subjects as religious and political institutions, costume, the calendar (though this might be regarded as a political or religious institution), coinage, the institutions of the Roman army and games of all types, including the theatre. Games might also be regarded as religious institutions, though the indications are that the antiquarians were less interested in the religious nature of *ludi* than they were in their development as spectacle.[12] The subject of political institutions of course overlaps considerably with juristic interests in public law; and the jurists' lost works on public law must have had much in common with many antiquarian works. Another aspect of Roman antiquarianism is that it is distinctly 'Roman', in that it is remarkably Romano-centric: very little interest is shown in anything outside the city of Rome, and when such an interest is shown, there is usually some connection with Rome.

From this list of antiquarian interests a couple of points arise. Firstly, I would suggest that one of the most characteristic features of Roman antiquarianism is a predilection for detail: it would seem that the antiquarian scholars of Rome rarely took a general view of whatever they discussed (discussion rather than narrative is another characteristic of antiquarian writing); instead they selected matters of detail, often, it would seem now at least, of obscure or arcane detail. Again this is true of the jurists also. It would even seem that the more obscure, or the more arcane a subject was, the greater was the antiquarian interest, though we cannot but wonder just how obscure and arcane these matters remained after the repeated attention of the antiquarian scholars.

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12 Rawson, *Intellectual Life*, 240-242, recognised the Roman army and Roman coinage as "a couple of subjects of antiquarian investigation"; Wallace-Hadrill rightly stresses games, comprehending *spectacula*, board games, party games and children's games (*Suetonius*, 126-128, 44) and notes (p.16) that Suetonius is concerned not with wars and battles fought by his subjects, but with military institutions. Similarly, Della Corte, *Svetonio*, 158 sees as characteristic of antiquarianism, works 'on the laws', 'on the customs of Rome', 'on the Roman calendar' and 'on habits'.

Similarly, although Roman antiquarianism was dealing with the Roman past, it seems very rarely, if ever, to have formed an overview of Roman history: nowhere do we find an antiquarian scholar fitting his discussion into the framework of the history of Rome. This may, of course, be the accident of transmission, but that it is not, is suggested by the fact that Aulus Gellius had to compile his own synchronistic sketch of Greek and Roman history in order to avoid making silly errors about dates and historical periods.[13] This lack of a general view of Roman history has led to the suggestion that antiquarianism has a timeless view of the past and no general, conceptual idea of the history of its subjects. But despite the apparent lack of any explicit historical framework in antiquarian writing, I would propose not only that this is to do ancient scholarship a disservice (by viewing it according to the standards of its late twentieth-century counterpart), but also that the charge of having a timeless view of the subjects which it discusses is unwarranted, since ancient antiquarianism does display an awareness of change and even, on occasion, of how things changed: as Wallace-Hadrill comments, "the antiquarian was interested in continuities and changes ... and also the individual actions which originated or altered the customary patterns."[14] Even in what little we have of Roman antiquarian writing we find repeatedly the observation of changes, and this is nowhere better documented than in what is now seen as its peculiar emphasis on the use of etymology. Which brings me to my next point.

The Roman antiquarian interest in 'institutions' extends to two senses of the word: on the one hand the interest is in "an established law, custom, usage, practice, organisation, or other element in the political or social life of a people"; on the other hand there is an interest, and at times this almost appears to be the greater interest, in "the action of instituting or establishing; setting on foot or in operation" or, more simply, in the origins of these institutions.[15] (Antiquarian interest is also aroused by any action which changed customary or 'instituted' practices.) This then goes a long way to explaining the frequent presence of etymologies of words in Roman antiquarian writing: the origin or original meaning of the institution's name is used to reflect its original nature and/or

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13 *NA* 17.21
14 Wallace-Hadrill, *Suetonius*, 128.
15 *OED s.v.* 'institution', definitions 6a and 1a.

purpose. As Wallace-Hadrill correctly identifies 'institute' as "a favourite antiquarian's word", so Rawson does etymology as "that favourite weapon of the antiquarians".[16] In this respect at least there was a relation between the studies of the antiquarian and of the grammarian, as well as those of the jurist.

b) The Methods of Roman Antiquarianism

The use of etymology is but one of a number of identifiable methods by which the antiquarian scholars of Rome went about their business, and we turn now to mention some of the other methods followed by them. (This will be considered in greater depth below in Chapter Three.) It should be pointed out at the outset that, in the absence of any study of Roman scholarship in general, we may wonder how much of this methodology is that of ancient scholarship in general, rather than of antiquarianism in particular. Thus Rawson, in the passage cited above, mentions the citation of authorities as a feature of Roman antiquarianism, while Wallace-Hadrill formulates it more generally: "scholarship is by nature tralaticious, each writer taking over and passing on the accumulated learning of the last". And indeed the naming of written (usually antiquarian) and documentary sources, and the giving of references is one characteristic of the Roman antiquarian tradition, as well as betraying the individual authors' awareness of writing in that tradition. With this are connected two other characteristics: the presentation of the alternative views of various authorities and the reference to a particular view, account or whatever, followed by a discussion of it (which often forms the framework for the presentation of alternative views). This, as Wallace-Hadrill notes, is a common feature of much ancient scholarship:

> edition and commentary were the original form and backbone of Alexandrian scholarship ... this activity is linked with the basic exercise of Greek and Roman education: the reading of the literary classics, and their elucidation through a word by word question and answer exchange between master and pupil.[17]

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16 Wallace-Hadrill, *Suetonius*, 139 (and cf. his index *s.v.* 'institutions'); Rawson, 'Cicero', 37.

17 Wallace-Hadrill, *Suetonius*, 42f.

This question and answer process is implicit in much antiquarian writing, and is explicit in some, for example the Αἴτια Ῥωμαϊκά (or *Roman Questions* as it is usually translated) of Plutarch, where various questions are posed which act as rubrics, or headings, in the text.

More generally, the use of such headings, rubrics or lemmata is widespread in Roman antiquarian writing.[18] Even where there is no trace in the manuscripts of an ancient division of the text into sections, each headed by a rubric, the method is often apparent in the construction of the work, or in the way that the writer proceeds, or both. We return here, of course, to Momigliano's emphasis on the systematic nature of antiquarian scholarship: the organisation of the material to be presented, its categorisation, and the subsequent division and subdivision of the work to reflect those categories are an important characteristic of Roman antiquarian writing.[19] The parallel with much legal writing, and the laws themselves, is evident. Occasionally we find the division of the text reflected in an index or list of contents, though such aids to the reader (they are usually presented as such) are neither particularly common nor restricted to antiquarian writing. On the other hand, more usually in works without notional or explicit rubrics, we find as a counterpart of such rubrics the delineation of the subjects to be covered. This may be a technique deriving from oratory and the *partitio* of a speech, though it is, given the absence of rhetoric in antiquarian writing, as likely to be independent of the influence of oratory. It is in any case useful for the reader.

c) The Aims of Roman Antiquarianism

Having outlined the characteristics of antiquarian writing we may now turn to some preliminary thoughts on its aims, as well as mentioning a possible further interest of antiquarian scholarship at Rome: luxury. The aim of antiquarianism is often presumed to have been in some way to restore the past, or at least its

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18 Cf. Dahlmann, *art. cit.* (n.11), 188 and, more fully, R. Friderici, *De librorum antiquorum capitum divisione atque summariis. Accedit de Catonis de agricultura libro disputatio* (Marburg, 1911).

19 Note also E. Rawson, 'The Introduction of Logical Organisation in Roman Prose Literature', *PBSR* 46 (1978), 12-34.

standards; advocating a return to 'Victorian', or rather 'Catonian values'. It would seem that modern scholars are accustomed to think of Varro as a moraliser (Rawson stressed this aspect in her *Intellectual Life in the Late Roman Republic*), and hence it is presumed that antiquarians are by definition moralisers.[20]

Of course, once these assumptions have been made, it is easy for modern scholarship to detect moralising in Roman antiquarianism, particularly when we find mention of luxury in antiquarian writing. I contend, however, that the antiquarians discussed luxury merely as one aspect of the life of the Roman people (which was their real interest), that there is often a markedly neutral tone in the discussion of luxury, and that in general Roman antiquarianism was neither unduly influenced by concepts of the *mos maiorum*, nor was it constantly moralising. It is interesting that in the fifth century A.D. Macrobius turns

on its head the common modern view of ancient Roman moralising about luxury: he professes some surprise at the luxury of the late Republic, in relation to what he presents as the comparative austerity of his own day. In any case, not all at Rome had an unshakeable faith in the supremacy of the past, as becomes clear from occasional comments by such as Velleius Paterculus, Tacitus and Aulus Gellius.[21]

It must, however, be admitted that it would be impossible for any writer to free himself entirely from the preoccupations of contemporary social and political life. Which brings me to an alternative, though not unconnected, aim of Roman antiquarianism: a political aim. It cannot be doubted that antiquarian scholarship seems to have flourished at times of crisis or upheaval in the Roman state: although antiquarianism seems to have been a more or less constant presence at Rome, its heyday was the late Republic and the principate of Augustus. Indeed the results of antiquarian scholarship in this period seem to have been almost canonised in subsequent eras and, to a very large extent, are merely reproduced by later writers.

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20 Rawson, *Intellectual Life*, 242f.

21 Vell. Pat., 2.92.4; Tac. *Ann.* 3.55.6; 2.88.4; *Dial.* 18. On Gellius see below pp. 175-181.

A number of antiquarian works of the late Republic and Augustan period may be connected with political events or institutions of those times. For example, Varro's *Antiquitates Rerum Divinarum* were dedicated to the *pontifex maximus*, Julius Caesar; though it is very far from clear whether or not the work can be seen as contributing to any religious reforms which Caesar may or may not have intended to introduce. Similarly it has been suggested that the lost works *De Familiis Troianis* by Varro and Hyginus may be connected with the creation of new patricians in 45 and 29 B.C. Alternatively there may be some connection with the well-known claim of the Julian family to Trojan descent. But these can be no more than suggestions.[22]

Augustus was, of course, a member of the Julii by adoption (antiquarian interest in the law of adoption may not be unconnected with this fact) and, in general, the position regarding Augustus is clearer: much of the content of Roman antiquarian writing can be related to the various institutions and re-institutions of the Augustan principate. Similarly what is apparently omitted from antiquarian works is often that which Augustus seems to have chosen not to publicise: for instance, even in the second century A.D., in the *Noctes Atticae* of Aulus Gellius, there is no hint of the existence of the Imperial Cult and, just as in Augustus' *Res Gestae*, any mention of *imperium proconsulare maius* is studiously avoided in antiquarian writing. Syme, in *The Roman Revolution*, hinted at the role of antiquarian scholarship in the propaganda for the Augustan regime, but without attempting to quantify its importance: Syme's (and modern scholarship's) evident disdain for antiquarianism meant that he so subordinated it to poetry and historiography that it was only mentioned in passing: "Even antiquarianism had its uses." And that is all there was to say.[23] But the antiquarian works produced during the reign of Augustus seem as much part of

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22 On the *Antiquitates Rerum Divinarum* see the dramatically opposing views of H.D. Jocelyn, 'Varro's *Antiquitates Rerum Divinarum* and Religious Affairs in the late Roman Republic' *BRL* 65.1 (1982), 148-205 and Y. Lehmann, 'Religion et politique autour des *Antiquités divines* de Varron', *REL* 64 (1986), 92-103. On the *De Familiis Troianis* cf. P. Toohey, 'Politics, Prejudice and Trojan Genealogies: Varro, Hyginus, and Horace' *Arethusa* 17 (1984), 5-28.

23 R. Syme, *The Roman Revolution* (Oxford, 1939), 463. Cf. the equally bald statement (p.454) that "the Augustan revival need not shrink from the charge of studied antiquarianism." It is of course significant that such a charge could be made.

the Augustan propaganda machine as do those of the poets: indeed they might be seen as more important, since they could give reasons why Augustus should or could do what he was doing, rather than just painting him in a good light or equating him with Aeneas and heralding a new *saeculum*.[24]

The Augustan principate clearly stimulated antiquarian writing, and the antiquarian scholars of this period seem to have sought to establish a firm foundation on which the reforms of Augustus could be based, where possible noting any useful precedents for them. Whether this task was self chosen or otherwise we cannot tell, though there are two factors which may be significant: firstly, we hear from Suetonius something of Augustus' own antiquarian interests, and so we might expect antiquarian works to be addressed directly or indirectly to him, in search of patronage (though the loss of the dedications of antiquarian works is regrettably common). Secondly, one name which is not encountered in connection with the works of the antiquarians is that of Maecenas, though this is hardly conclusive, since there is not an abundance of *explicit* testimony in any case for Maecenas' acting as public relations consultant for the new regime.[25] But there is an important distinction to be made: I contend that by and large the antiquarian role was reactive, not proactive. That is, that the aim of Roman antiquarian scholarship was to seek out the origins of Rome's various institutions and customs, probably as part of the exposition and explanation of contemporary practices, for which antiquarianism could determine precedents from Roman history. Because so much was changing in the late Republic and under Augustus, there was more work for the antiquarians to do. But their aim, I contend, was not to suggest innovations or promote change, and antiquarian writing was not primarily intended to be edifying, as were historiography and the works written in the *exempla* tradition.

The main aim of antiquarian scholarship seems often to have been to inform. Its work on Rome's institutions could provide the essential background information to public life at Rome which the Roman education could not provide:

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24 The 'antiquarian verse' of Propertius' 'Roman elegies' (4.2; 4.4; 4.6; 4.9; 4.10) and Ovid's *Fasti* is in a category of its own.

25 Suet., *Aug.* 72; 75. On Maecenas, Augustus and the poets cf. J. Griffin, 'Augustus and the Poets: "Caesar qui cogere posset"' in F. Millar and E. Segal (eds.), *Caesar Augustus: Seven Aspects* (Oxford, 1984), 189-218 and Schanz-Hosius §§212-214.

in this respect it formed the written version of the *tirocinium fori*. But antiquarian works were not simply isagogic, to be read, learnt and then discarded; rather they provided a valuable reference tool, made more accessible by their systematic nature.

In comparison, antiquarian scholarship under the Principate seems no longer to carry out original research: to a large extent it merely reworks and repeats the results of antiquarian research carried out in the late Republic and under Augustus. Republican and Augustan antiquarian works were naturally influenced by the political atmosphere of their time, but this need not mean that their purpose was political. The essential feature of Roman antiquarian scholarship is its desire to inform. That it could also serve a political purpose is to a large extent incidental, and reflects the interests of those who so used its results, as much as, if not more than, it does those of the antiquarians themselves. The aims of antiquarian writing did not change between Republic and Empire, only the circumstances in which it was produced: the antiquarians of the imperial period still sought to explain the institutions of public and private life; the difference was that these institutions were no longer changing as rapidly as they were in the late Republic and under Augustus. And many of these institutions were essentially the same under Republic and Empire: it was no less relevant in the imperial period than it had been under the Republic to explain an institution by looking at its origins in the early Republic.

d) The Problems in Applying this Hypothesis

Having outlined my view of what antiquarianism was at Rome, I should now turn to consider briefly some of the problems encountered when trying to apply this hypothesis.

The hypothesis suggests that Roman antiquarianism had encyclopaedic interests. This of course introduces a major problem of definition: how can we say where antiquarianism stops and where the provinces of a jurist, or of other scholars start? But it may be wrong to distinguish between antiquarian writers and, say, writers on natural history, on geography, or on ethnography. Ancient scholars seem very often to have worked in more than one field and a writer on natural history, such as the elder Pliny, seems to have been able naturally to

include information of an antiquarian nature in his work; and the same is true of writers in other fields. The criterion which I suggest to distinguish something as antiquarian, is that it should fall under the general heading of the scholarly study of the past and be something which would not easily find a place in an annalistic history: in general narrative accounts are excluded, as are moral *exempla*. Of course, there is still often no clear distinction: the annalistic historians could include antiquarian digressions in their works and the compilers of collections of *exempla* occasionally provide antiquarian information as part of their narration of an *exemplum*. In general then, it might be better to regard antiquarianism as something which was not restricted to one type of scholar or writer alone. While this would not exclude the existence of purely antiquarian scholars, there is very little indication that such ever existed. It should be remembered that, while many of those whom I will call antiquarian scholars had markedly antiquarian interests and were fully aware of earlier antiquarian writing (which they often preserve in their own works), most had other interests as well.

Another problem is that, however we define it, Roman antiquarian writing has suffered disproportionately in the processes of the survival of ancient literature. No complete antiquarian work survives; indeed the majority of Roman antiquarian writing survives only in fragments preserved by later writers of, mainly, miscellanies and glossaries, though the Christian writers preserve much antiquarian writing on religion.

This brings us to the central place in the present work of Aulus Gellius. The central figure in any account of antiquarian studies at Rome *should* be Varro, who, in the mid-first century B.C., wrote his *Antiquitates Rerum Humanarum et Divinarum*, a systematic study of Rome and her past, and in so doing both apparently introduced the term *antiquitates* for antiquarian studies and set those studies on a firm footing. Varro has correctly been called "the father of antiquarian studies" in that he seems to have been the first to describe systematically all the aspects of the life of a nation, though he was not the first

antiquarian writer at Rome.[26] But what are seen as Varro's antiquarian works survive only in fragments, which are moreover often extremely brief and give little idea of the context and none of the works as a whole. The modern student needs a guide to help him along the shady and uncertain paths of Roman antiquarian scholarship. In the present work our guide is Aulus Gellius, who wrote his *Noctes Atticae* in the later part of the second century A.D.

I shall discuss Gellius more fully below in Chapter Two, but should set out initially at this stage the reasoning behind his choice. Writing in the second century A.D., Gellius could, and apparently did, make use of the works of various antiquarian writers who lived and wrote in the late Republic and Augustan period. Gellius is indeed the source of many of the fragments which we have from earlier antiquarian writers, and is particularly valuable in that he occasionally gives us some indication of the place of these fragments in their original context. Unlike the lexicographers (principally Nonius Marcellus), Gellius uses Varro for the substance of his argument rather than simply for the exemplification of words; and Gellius also preserves more coherent fragments, with more of Varro's argument or line of thought than do the commentators (notably Servius on Vergil). Furthermore Gellius' *Noctes Atticae* is essentially a compendium of miscellaneous information on virtually every subject under the sun. This wide range of interests means that there is in the *Noctes Atticae* scope for the inclusion of a greater variety of antiquarian material than we might expect to find in works of a more limited nature.

A further consequence of the compendious nature of the *Noctes Atticae* is, of course, that it might (and does) contain material which is not, on any definition, antiquarian. This leads us to the question of how far the 'users' of the results of antiquarian scholarship need themselves be (even partly) antiquarians, and so back to the problem of the definition of what is and what is not antiquarian. Clearly, however, those who made use of the information contained in antiquarian works, need not be antiquarians themselves: thus, as already mentioned, antiquarian digressions exist in works of annalistic historiography.

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26 Momigliano, 'Antiquarian', 72.

Summary

In summary, then, I see Roman antiquarianism as the scholarly study of Rome's past in all its aspects. In marked contrast to ancient historiography, antiquarian scholarship was non-rhetorical, had no literary pretensions, and was systematic rather than chronological in the treatment of its subjects. Antiquarianism engaged in discussion rather than narrative. Its discussions were generally of points of detail, with reference to sources, whether literary, documentary or in the form of physical monuments. Antiquarianism had a particular interest in the institutions of Roman public, religious, military and private life, and in the origins of those institutions, though a certain encyclopaedic tendency means that other subjects were not excluded. This encyclopaedism also led to antiquarianism encroaching on the province of the grammarians and *glossatores*; and this is particularly noticeable in the antiquarians' discussion of words and their etymologies.

Antiquarian research seems to have thrived at times of crisis or change: the two major flowerings of antiquarianism were at the time of the Gracchi and at that of the civil wars of the late Republic and the establishment of the Augustan Principate. It is the works produced in these two periods, but particularly the second, which seem to have set the focus for all subsequent antiquarian writing, just as the constitutional changes in those years largely formed the basis of political life under the emperors. The primary aims of Roman antiquarianism seem to have been to explain contemporary institutions of public and private life by referring to their origins and development; and, more generally, simply to inform: there is little substance to the argument that antiquarian scholarship has a moralising aim, though we may sometimes detect a political aim, or rather a political use for the results of antiquarian scholarship. There is little basis for an assumption that any antiquarian writer ever set forth a programme for political, religious or social reform.

2. ANTIQUARIANS AND ANTIQUARIES: PERCEPTIONS OF ANTIQUARIANISM

I have mentioned the connection in the modern mind of antiquarianism with the antiquaries (particularly the British antiquaries) from the Renaissance to the eighteenth century, or perhaps even to the late nineteenth century. It may be helpful at this point to make clear some of the similarities and differences between ancient antiquarianism and its more modern counterpart. This will also help focus my understanding of the interests of Roman antiquarianism. It should also now be noted that Momigliano's definition given above, is of the antiquary of the Renaissance or later. In his essay on 'Ancient History and the Antiquarian', Momigliano was concerned with the conflict between antiquaries and historians in the seventeenth, eighteenth and nineteenth centuries, and the

place of this conflict in the development of modern historiography and 'historical method'. In the text of the essay as reprinted in Momigliano's first *Contributo*, only three of the thirty-nine pages deal with ancient antiquarianism. A companion essay is clearly that on 'Gibbon's Contribution to Historical Method': for Momigliano, Gibbon's contribution lay in his uniting history and antiquarianism, that is, in combining literary and non-literary evidence, the erudition of the antiquaries with the elegance and reflection of the historians.[27] It is clear that, for Momigliano at least, the new historical method which was the result of this combination represented a major breakthrough, and that from the time of its 'discovery', purely antiquarian research could no longer be seen as a valid contribution to historiography: in this sense it became 'mere antiquarianism'. To a certain extent ancient antiquarianism suffers from this view of the invalidity of antiquarian research.

a) Antiquarianism, ancient and modern

Perhaps to avoid 'tainting' ancient antiquarianism with the same stigma applied to antiquarianism in modern scholarship, Momigliano did not particularly emphasise the connection between ancient antiquarian studies and those of more recent times. But there is undoubtedly a link: just as the Renaissance humanists rediscovered classical culture and classical literature, so they seem to have rediscovered antiquarianism, and as Piggott has recently noted of the fourteenth and fifteenth centuries, "those concerned with *antiquitates* saw themselves, proudly and consciously, as the heirs of the ancients' curiosity about their own past, and especially Varro".[28] Clearly, however, there must have been a great deal of romanticism/fantasy in their avowed imitation of Varro, since their knowledge of the works of Varro can hardly have been better than is ours: it would seem that Augustine's *Civitas Dei* was the chief source of information about Varro's works for the likes of Petrarch and Flavio Biondo, as it is now.[29]

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27 A.D. Momigliano, 'Gibbon's Contribution to Historical Method', *Historia* 2 (1954), 450-463 (reprinted in the first *Contributo* [Rome, 1955], 195-211). A useful survey of the rise of, and contemporary reaction to the British antiquary is provided by J. Evans, *A History of the Society of Antiquaries* (Oxford, 1956).

28 S. Piggott, *Ancient Britons and the Antiquarian Imagination. Ideas from the Renaissance to the Regency* (London, 1989), 13. Similar sentiments are expressed by J. M. Levine, *Humanism and History. Origins of Modern English Historiography* (Ithaca and London, 1987), 13, 73-78, and confirmed by the Renaissance writers whom he cites.

29 Cf., e.g., A. Mazzocco, 'The Antiquarianism of Francesco Petrarca', *Journal of Medieval and Renaissance Studies* 7 (1977), 203-224.

There are often striking similarities between the antiquaries and the ancient antiquarians. These are mainly in the subjects with which they concerned themselves, though it is interesting to note that antiquarianism continued to contrast with historiography, learned scholarship with elegant rhetorical narrative: Momigliano saw the antiquaries as studying the subjects 'left aside' by the historians, which he summarised as "the four *antiquitates - publicae, privatae, sacrae, militares.*"[30] These it would seem right to gloss as the institutions of ancient political, private, religious and military life: the same core subjects as were studied by the ancient antiquarians. But, referring to "the sober and fastidious scholarship of the great antiquarians of the sixteenth century", Momigliano suggested that

> they improved on Varro because they combined literary, archaeological and epigraphical evidence, their preference being for literary and epigraphical texts. They slowly pieced together Roman chronology, topography, law and religion ... They modelled themselves on Biondo's *Roma Triumphans* which was not a history but a systematic survey. Roman history had been written by Livy, Tacitus, Florus, Suetonius and the *Historia Augusta.* There was no reason why it should be written again, because in the main it could be written only as Livy, Tacitus, Florus and Suetonius had written it.[31]

Again there is the clearly valid distinction between antiquarianism and historiography, but it is difficult to see just what was the improvement on Varro which Momigliano had in mind (except perhaps that the works of the sixteenth century antiquarians are available for consultation, unlike the bulk of Varro's writings, which seem to have disappeared in late antiquity). Roman chronology, topography, law and religion are all attested as having found a place in Varro's *magnum opus*, the *Antiquitates Rerum Humanarum et Divinarum*, which seems to have formed the foundation for all subsequent antiquarian scholarship, in which these subjects indeed recur. It is interesting to see that

> among the first and most popular manuals of Roman antiquities was the one written originally for the Abingdon School (1622) by the master, Thomas Godwin ... It described the life and layout of ancient Rome under several headings that dealt with topography, religious and political institutions, and warfare - in effect the old topical headings of Varro.[32]

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30 Momigliano, 'Antiquarian', 100; cf. also Levine, *op. cit.*, 101f.
31 Momigliano, 'Antiquarian', 74f.
32 Levine, *op. cit.*, 82, citing T. Godwin, *Romanae historiae anthologia ... An Exposition of the Roman Antiquities for the Use of Abingdon School* (London, 1622).

The ancient antiquarians were far from being strangers to literary evidence: it was probably their chief source material. Yet they did not entirely ignore the evidence of inscriptions, or even of monuments, which is the closest that they - like many of the later antiquaries - could be expected to come to 'archaeology': Levine's observation that "the study of 'antiquities' was the Renaissance equivalent of archaeology, the material accompaniment of philology" seems equally true of ancient Rome.[33] As Rawson noted, "Varro certainly observed the occasional inscription"; so did one L. Cincius, the elder Pliny and even Gellius, as well as a number of others.[34] Cincius, perhaps a contemporary of Livy or earlier, seems even to have combined epigraphic and what we might see as archaeological evidence, for Livy, who calls him *diligens talium monumentorum auctor*, mentions his comparison of an inscription from the Capitol in Rome with the surviving physical evidence from a temple at Volsinii in Etruria, and Cincius also discussed the meaning of an inscription on a gold crown dedicated to Jupiter in 380 B.C. by the dictator Cincinnatus.[35] Della Corte seems to have seen the ability to collate various types of evidence as an attribute of antiquarian writers, for he sees Suetonius' use of a variety of sources (including inscriptions) as betraying his antiquarian scholarship.[36]

While Cincius now seems unusual in his use of epigraphic material, it is worth stressing that we have only scant remains of Roman antiquarian writing: Livy does not portray him as anything exceptional, and we cannot discount that there may have been similar material in what is now lost. And there can be little doubt that some (no doubt many) in the Rome of the late Republic had some appreciation of the importance of ancient monuments as a record of the past. The spate of restoration of such antiquities as the Atrium Libertatis, the Regia, the Temple of Diana on the Aventine and so on, from the time of the first Triumvirate onwards, is well attested: recently Horsfall has aptly characterised

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33 Levine, *op. cit.*, 13.

34 Rawson, *Intellectual Life*, 239. Suetonius and Verrius Flaccus were also aware of the evidence which could be provided by inscriptions. For a full survey of the use of Roman inscriptions by the ancient writers see A. Stein, *Römische Inschriften in der antiken Literatur* (Prague, 1931).

35 Livy 7.3.5-7; Fest., 363 *trientem tertium*. On Cincius see also J. Heurgon, 'L. Cincius et la loi du *clavus annalis*', *Athenaeum* 42 (1964), 432-437. His work may have been a guidebook.

36 Della Corte, *Svetonio*, 157.

this activity as "antiquarian patriotism", and it is interesting to see that the restoration of dilapidated monuments, particularly temples, was regarded as almost a duty of the wealthy.[37]

According to Cornelius Nepos, it was on Atticus' insistence that Octavian restored the ruined Temple of Jupiter Feretrius on the Capitol, which had supposedly been founded by Romulus, and in general Atticus is often portrayed as having a marked sense of the past: Nepos' comment about Atticus' attachment to his house because of its air of antiquity is well known. Atticus is also an interlocutor in the fifth book of Cicero's *De Finibus*. This is set at Athens in 79 B.C. and begins with the interlocutors (Atticus, M. Pupius Piso Calpurnianus and three Ciceros, Marcus, Quintus and Lucius) enthusing like eager tourists about the historic charms of the city: "wherever you go, you tread in the footsteps of history" remarks Cicero's young cousin Lucius, ending a brief section in which they all give their own choice of the most atmospheric monument or building encountered during their stay in Athens. Piso led this discussion, initially by remarking that he is much affected by visiting places which are traditionally associated with famous men or events of the past. Interestingly, he complains about Sulla's modernisation of the *curia*, saying that the old *curia Hostilia* always used to summon up thoughts about Scipio, Cato and other such worthies The realisation that some structures were old is in itself significant, though it is unfortunate that we do not know the criteria on which such judgements were made: tradition probably played a part, but other factors must have been involved, as is made clear by the light-hearted advice, which Cicero gives to Atticus at the start of the former's *De Legibus*, not to place too much faith in traditions about buildings or places.[38]

Even from what we still have of the Roman antiquarian tradition, it would seem that ancient antiquarianism was not really as different from sixteenth-century antiquarianism as Momigliano would have us believe. Indeed Momigliano was undoubtedly correct to notice that

> the antiquarian mentality ... was not unsuited to the nature of the institutions with which it was mainly dealing. It is easier to describe law, religion,

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37 N. Horsfall, *Cornelius Nepos. A selection including the lives of Cato and Atticus* (Oxford, 1989), 105.

38 Nep., *Att.* 20.2; 13.2; Cic., *Fin.* 5.1.2-5; *Legg.* 1.1.3f.

> customs and military technique than it is to explain them genetically. Often the nature of the evidence is such that one has to combine items belonging to different historical periods in order to obtain the picture of an institution.[39]

Even if this exaggerates the use by the ancient antiquarians of such 'archaeological' evidence as was available to them, it is worth noting that Momigliano, in the passage already cited, saw the sixteenth century antiquaries as subordinating archaeological evidence to literary and epigraphic evidence.

But by the seventeenth and eighteenth centuries it would seem that antiquarianism had become less interested in literary evidence and more interested in the evidence of 'antiquities', particularly antiquities which could be collected by the antiquaries. This development is (slowly) reflected in the history of the Society of Antiquaries in London, and its predecessor the College of Antiquaries (alias the Elizabethan Society). Today the proceedings of the Society seem largely to be concerned with artefacts and archaeology; but the earliest records of the society show an emphasis on literary and particularly documentary evidence. Thus a minute dating from January 1708 records the proposal

> that any Member of this Society might be free to make known any Doubts that may arise in his Reading of old Books, Charters etc. in Order to receive Satisfaction, if any other Member should have mett with further Light in such Case.

Evans, in her *A History of the Society of Antiquaries*, also reproduces the proposals (too numerous to list here) of one Humfrey Wanley for books which the Society should produce: many of these are such as the Roman antiquarians might have written on Rome. It is interesting that the Society of Antiquaries shared the 'parochialism' of Roman antiquarianism: on the 12th December 1707, for instance, it was

> agreed that the business of this Society shall be limited to the subject of Antiquities; and more particularly, to such things as may Illustrate and Relate to the History of Great Britain.[40]

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39 Momigliano, 'Antiquarian', 100f.
40 Evans, *op. cit.* (n.27), 36f.; 41-44.

The greater use of artefacts almost brings the antiquaries closer to the use of the 'archaeological' evidence by the ancient antiquarians: that is, in the use of artefacts (rather than excavation) for the explanation of the past, or at least as symbols of the past. As Levine notes,

> the material remains exercised a fascination in their own right as *objets d'art*, as ornaments to the houses and libraries of the classically educated. Here as everywhere else there was ancient precedent.

The collection of works of art for public and private display at Rome and in villas is well attested, especially for the late Republic, and the antiquaries were well aware of ancient collections, as is made clear by Levine's quotations from Poggio and Thomas Hearne.[41] Thus we learn from the elder Pliny something of Varro's own art collection and preferences; and Varro's name appears as one of Pliny's sources when he comes to discuss collections of gemstones owned by Sulla's stepson Scaurus, by Pompey and by Julius Caesar.[42] There was, however, no concept at Rome of a museum in the modern sense, that is as an educational institution, and in general these collections would seem to have been for their appreciation as works of art, rather than for any historical value. It happens that we hear remarkably little about anyone visiting either public or private collections, although Augustus would seem to have regularised the supervision of the public collections by appointing two *curatores* for public works, within whose purview fell such collections.[43]

We have little evidence for the ancient collecting of artefacts other than as 'objets d'art', although we would expect this to have been of interest to the antiquarians. That this does not impose the interests of the later antiquaries on

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41 Levine, *op. cit.* (n.28), 78 (with his n.19). Cf. Friedländer, *Sittengeschichte*, 3.39f.; D.E. Strong, 'Roman Museums' in *id.* (ed.), *Archaeological Theory and Practice* (London, 1973), 147-264. On ancient descriptions of works of art and artefacts cf. U. Hausmann (ed.), *Allgemeine Grundlagen der Archäologie. Begriff und Methode, Geschichte, Problem der Form, Schriftzeugnisse* (Munich, 1969), 433-465. J. Isager, *Pliny on Art and Society. The Elder Pliny's Chapters on the History of Art* (Odense, 1991), 157-168 collects Pliny's information about the contents of Rome's art galleries.

42 *NH* 33.55.155; 36.4.17; 36.4.39, 41; 37.5.11. But in the *Res Rusticae* Varro derides the art collections to be found in, e.g., Lucullus' villas (*RR* 1.2.10; 3.1.10; 3.2.5).

43 Cf. Strong, *art. cit.*, 247. On Roman tastes in art and the collecting impulse cf. Friedländer, *Sittengeschichte*, 3.107-118, who (possibly over-) stresses the collectors' frequent lack of discrimination. On the question of "how much genuine interest there was in the collections" cf. Strong, *art. cit.*, 255-262; on the care of public collections, cf. *ibid.*, 250-254. Note also *NH* 35.9.26 where Pliny reports a 'magnificent speech' by Agrippa, promoting the public display of all works of art, 'which would be far better than their being exiled in villas'.

the ancient antiquarians is suggested by a few stray details which we learn from the ancient sources. Varro and Gellius both use the evidence of statues to shed light on ancient shaving habits, and Isager has recently pointed out that in his discussion of works of art, the elder Pliny is often more interested in the social context of a work of art (that is, its age, use and purpose) than in "the art-historical and aesthetic sides". One thinks also of Suetonius' adducing of the evidence of a bronze statuette in his possession to show that as a child Augustus was called Thurinus. We also learn from Suetonius that Augustus' villas contained not the usual works of art, but 'things notable for their antiquity or rarity', and that Augustus gave 'coins of all types, including ones of the kings and foreign ones' as gifts at the Saturnalia. As it would, then, seem that Augustus had some antiquarian interests, it is also worth noting that Livy, in referring to an inscription on the armour of Lars Tolumnius, the king of Veii, admits that he has not himself seen it, but knows it only from information supplied by Augustus.[44]

Rawson suggested that coins were not collected at Rome, but Augustus must have obtained those coins somewhere: either he had inherited or built up his own collection, of which he then disposed by distributing them as presents at the *Saturnalia*, or such coins were available for purchase; and one assumes that they were not entirely despised by their recipients, though the latter were probably in no position to complain.[45]

If we push this (slight) evidence and suggest that there was some interest in ancient coins, then this might go some way to explaining why ancient coinage appears as often as it does in antiquarian writing: perhaps some attempt was being made somehow to establish which of such coins could be genuine; and we need not condemn the antiquarians unduly for on the whole failing in this, at least by modern standards. The antiquarian writers certainly knew a tradition that the first Roman coinage was issued by King Servius Tullius and that it bore the representation of a cow (*pecus*), since previously wealth had been measured

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44 *RR* 2.11.10; *NA* 3.4; Isager, *op. cit.*, 82, 87, 229; Suet., *Aug.* 7; 72; 75; Livy 4.19f.
45 Rawson, *Intellectual Life*, 241.

only by one's holdings of livestock, whence money was called *pecunia*.[46] Needless to say modern numismatic scholarship would not place the introduction of coinage so early, and hence, if Augustus (and presumably others) did have access to such early coins, these must have been forgeries; and one would presume that the most likely reason for these forgeries to have been made would have been for profit, and hence that a market existed for such coins. This seems confimed by the elder Pliny's note that fake coins were the object of (presumably scholarly) discussion and could cost many times their face value.[47]

A useful comparison might be made with the old manuscripts in circulation, and more importantly for sale, in the second century A.D. at least, when we have considerable evidence for the collecting of books and manuscripts, the bibliomania of the second century A.D. being well illustrated by Gellius and by Lucian.[48] Zetzel suggests that many of these texts were no doubt forgeries made for profit: Gellius mentions a supposed autograph copy of the second book of the *Aeneid*, which had been purchased for a large amount of money: as Zetzel comments, "if the rare-book trade commanded such prices, then there was a considerable incentive to create rare books to meet the demand."[49] A similar explanation may well apply to Augustus' Saturnalian presents.

But there is little other evidence that the ancient antiquarians were collectors to the same degree as their more recent counterparts. For the activities of the latter as collectors seem from the seventeenth century to become the principal defining characteristic of the British antiquaries. It is both interesting and revealing that

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46 The fullest ancient account is that of Pliny, *NH* 33.13.42-47. Cf. also R. Thomsen, *Early Roman Coinage. A Study of the Chronology* (Copenhagen, 1957-1961), vol. 1, Ch.1 'The Written Tradition' where the relevant literary sources are collected.

47 *NH* 33.46.132.

48 *NA* 1.7.1; 2.3.5; 13.21.16; 18.5.11; Lucian, *Adversus Indoctum*. Cf. Fronto, *Ad M. Caes. et inv.* 1.7.4 (p.15 v.d.H.²) and J.E.G. Zetzel, *Latin Textual Criticism in Antiquity* (New York, 1981), 13f & *id.*, 'Emendavi ad Tironem: some Notes on Scholarship in the Second Century A.D.', *HSPh* 77 (1973), 225-243, esp. 230ff. On book collections in the first century B.C. cf. Skydsgaard, *Varro*, 102.

49 *NA* 2.3.5; Zetzel, *art. cit.*, 240. Not all were taken in: the *Vita Horati* attributed to Suetonius mentions some works of Horace, which [Suetonius] regards as forgeries.

an anonymous contributor to the *Gentleman's Magazine* of 1788 wrote that

> the word *Antiquary* is so undefined, even at present, that we more readily understand by it a man who is fond of collecting, and commenting on, antiques, than one who aspires to the important task of illustrating ancient history, laws or poetry ...[50]

And here we come to perhaps the main distinction between ancient and more modern antiquarianism: not so much in the activity of collecting itself, but in the contemporary reaction to that activity; and it is from this reaction that the modern conception of ancient antiquarianism seems to suffer. For the British antiquaries of the seventeenth and eighteenth centuries were ridiculed by their contemporaries as amateur collectors with a blinding passion for the artefacts of the past: hence antiquarianism almost appears as a term of abuse.[51] An antiquary has been defined as "too often a collector of valuables that are worth nothing, and a re-collector of all that Time has been glad to forget": this sort of sentiment is a recurrent feature of the perception of antiquarianism in the seventeenth, eighteenth and nineteenth centuries; and even today the charge of antiquarianism is something which one should strive to avoid.[52]

It seems usually to be the collecting that is the butt of the joke, but occasionally it is also the subjects which they seek to illuminate that are criticised. For Robert Burton in 1621 the antiquaries were "hot in a cold cause" and his description of their obsessions is not only interesting in itself, but also because it was widely appreciated in that age (or so it would seem from the popularity of his work, *The Anatomy of Melancholy*, which ran to no less than five editions in Burton's lifetime):

> Your supercilious criticks, grammatical triflers, notemakers, curious antiquaries, find out all the ruins of wit, gutters of folly, amongst the rubbish of old writers; and what they take they spoil, all fools with them that cannot find fault; they correct others, & are hot in a cold cause, puzzle themselves to find out how many streets in Rome, houses, gates, towers, Homer's country, Aeneas' mother, Niobe's daughters, whether Sappho was

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50 *Gentleman's Magazine* 58 (1788), pt. 2, supp., p. 1149, (quoted by J.D. Evans, 'Anniversary Address', *The Antiquaries Journal* 66 [1986], 1).

51 Cf. Evans, *op. cit.* (n.27), 16; Piggott, *op. cit.* (n.28), 14-18; Levine, *op. cit.* (n.28), 100.

52 Horatio Smith, *The Tin Trumpet; or Heads and Tales, for the Wise and Waggish* (London, 1836) cited in *OED*, *s.v.* Shackerley Marmion's play *The Antiquary* (London, 1641) provides an interesting, if satirical view of the conception of antiquarianism in the 17th century. The antiquary of the title is portrayed again as a collector with a blinding passion for artefacts of the past.

> a public woman? which came first, the egg or the hen? &c & other things which you would try to forget if you ever knew them, as Seneca holds; what clothes the senators did wear in Rome, what shoes, how they sat, where they went to the close-stool ...; which for the present for an historian to relate ... is very ridiculous, is to them precious elaborate stuff, they admired for it ... I will generally conclude, they are a kind of mad men, as Seneca esteems of them ...

This is slightly different from my picture of the interests of the ancient antiquarians, but we may still detect the study of the topography of Rome, of costume and of private life. It is worth mentioning that this passage in fact offers a fair picture of the *Noctes Atticae* of Aulus Gellius and that Macrobius, in the *Saturnalia*, spends some time on the chicken-and-egg question.[53] I shall return to Seneca's views.

It would seem, then, that the anonymous contributor to the *Gentleman's Magazine* of 1788, whom I quoted above, had a view of the antiquarianism of his time which coincides with much of what I have just said. For he saw the chief task of antiquarianism as "illustrating ancient history, laws or poetry", while noting the contemporary conception of an antiquary as being a collector of antiquities. It happens that he does not mention the ridicule directed against such antiquarian collectors.

b) The Roman Perception of Antiquarianism

This ridicule, of course, reflects the perception of antiquarianism by contemporaries. The perception of antiquarianism by its practitioners is of course a different matter, and doubtlessly both the ancient antiquarians and the modern antiquaries would have seen themselves as aspiring "to the important task of illustrating ancient history, laws or poetry". While we should be cautious about generalising from Suetonius' possession of the statuette of Thurinus/Octavian/Augustus, the Roman antiquarians may even have shared the later interest in collecting. But when we come to the contemporary perception of Roman antiquarianism the picture is less clear.

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53 Quoted from F. Dell & P. Jordan-Smith (eds.), *The Anatomy of Melancholy by Robert Burton. Now for the first time with the Latin completely given in translation and embodied in an All-English text* (New York, 1938), 95f. (the first edition of *The Anatomy of Melancholy* was Oxford, 1621); cf. Macrob., *Sat.* 7.16.1 - 14. Gellius might even mention the 'close stool': cf. Holford-Strevens, *Gellius*, 30.

The main problem is that we hear very little about antiquarian scholarship from our sources. Can this apparent silence be explained? Firstly there is, of course, the fact that so little ancient literature has survived. Secondly, it might be suggested that antiquarian scholarship aroused little interest simply because it was regarded as unimportant, something indulged in by a few harmless eccentrics. This can hardly be the case: besides necessitating the adjustment of the undoubtedly correct view of there always having been a degree of retrospection at Rome, there was a sufficiently considerable number of antiquarian writers at Rome to be able to speak of a tradition of antiquarian writing. Throughout most Latin literature we find some sense of the past, and it is clear that the past was valued. But this is rarely translated into an open expression regarding the value of antiquarian studies. More likely is another view which would see antiquarianism as attracting little interest since it was widely accepted as a means of recovering and explaining the past: in other words, it was nothing exceptional. The sheer continuity of Roman antiquarian writing, from at least Varro in the first century B.C. to at least John Lydus in the sixth century A.D., itself suggests that antiquarianism was not so readily dismissed in the ancient world as it is today. Rather, the omnipresence of antiquarian scholarship suggests that antiquarianism was an important, central discipline in the intellectual life of Rome.

A fourth explanation, which could be seen as concomitant to either of the two just given, is that there seems to have been no name by which antiquarians could conveniently be called. It would seem that Varro had introduced to Rome the title *Antiquitates* and both Cicero and Quintilian give as Varro's subject *antiquitas*. But the word *antiquarius* appears to the best of my knowledge for the first time at the end of the first century A.D. in the roughly contemporary works of Juvenal and Tacitus. In both cases, moreover, the reference may be to archaism in language, rather than to antiquarianism. This is also the case for another, possibly earlier, appearance of the word *antiquarius*: Suetonius tells us that Augustus despised *cacozeli et antiquarii*. Are these Suetonius' own words, or has he taken them from something which Augustus himself wrote? This would give us a considerably earlier use of *antiquarius*, and certainly in the sentences preceding and following Suetonius cites Augustus' own words, though from what Suetonius tells us of Augustus' *genus eloquendi*, it would

seem unlikely that he was a neologiser. It is an interesting question: while I would distinguish literary archaism from antiquarianism, this is not a firm distinction, and the word *antiquarius* clearly denotes someone with some sort of feeling for the past.[54]

In an interesting passage, Seneca compares the approaches of two scholars and a philosopher when they read Cicero's *De Re Publica*. I shall return to this passage below, but it is significant that Seneca calls the scholars (who clearly have antiquarian interests) a *philologus* and a *grammaticus*. This reflects the philological and grammatical interests of antiquarianism, but it also shows the lack of a Latin term for an antiquarian scholar at the time that Seneca was writing. Rawson, though speaking more broadly of intellectuals in general, noted that "Cicero has no single word for such men, but a fairly clear conception of the thing; he speaks of 'men devoted to our studies', or 'the best studies' and so on." The same is true of Aulus Gellius: his clearest description of such studies comes in a description of Varro and Nigidius Figulus, both of whom Gellius regards as experts in 'the multi-faceted subjects and various arts which make mankind learned'.[55]

Apparently there was (as today) no definition of antiquarianism, and this may well be due to the wide range of subjects covered. The evidence of Seneca and Cicero suggests, *ex silentio*, that up to the end of the first century A.D. antiquarians were regarded at Rome as working in more than one discipline, and thus defied classification. Unless Gellius was trying to be 'Ciceronian', this may well be true of the second century also. Indeed to an extent even today the same is true: 'antiquarian' is an ill-defined, catch-all term.

Let us turn to what we do hear of antiquarian scholarship from the ancient sources and what they do call antiquarian scholars. Supporters of antiquarianism are somewhat elusive: with a few exceptions we have to assume that praise of Varro is praise of antiquarianism. And praise of Varro tends

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54 Cic., *Brutus* 60; Quint., *Inst.* 10.1.95; Juvenal, *Sat.* 6.454; Tacitus, *Dialogus* 21, 37, 42; Suet., *Aug.* 86. In Juvenal *antiquarius* is used, perhaps for metrical convenience, as a synonym of *antiquus*. E. Courtney, *A Commentary on the Satires of Juvenal* (London, 1980), *ad. loc.* sees it as an archaism.

55 Sen., *Epp.* 108.30-35; Rawson, *Intellectual Life*, 95; *NA* 19.14.

usually to take the form of calling him "the most learned man of his age" or similar.[56] Probably the most explicit statement comes in Cicero's praise in the *Academica* of what I see as Varro's antiquarian scholarship. Addressing Varro (as an interlocutor in the dialogue), and evidently referring to Varro's *Antiquitates Rerum Humanarum et Divinarum*, Cicero says

> We were like strangers wandering around our own city: your books have, so to speak, led us home and we can now see who we are and where we have come from. You have revealed the age of our homeland and its calendar [or possibly its history or chronology]; you have illuminated sacral law, the *disciplina* of the priesthoods, of domestic life and of warfare, and the location of regions and places; you have revealed the names, classification, functions and origins of all [Rome's] divine and human institutions.[57]

The laudatory tone of this may rather overestimate Cicero's feelings (Varro was the dedicatee of the work and Cicero's regard for Varro is lower when expressed elsewhere[58]), but the basic sentiment is one that we find commonly in connection with Varro. The *Antiquitates* seem to have been greeted as something of a revelation: they certainly established Varro's reputation and *auctoritas* as a student of Rome's past. Other scholars both before and after Varro seem to have fallen under his shadow, and Varro became a benchmark and, effectively, the only authority worth citing on a number of matters.[59] As a result, whenever there is mention of antiquarian scholarship the name of Varro usually enters the discussion, and Varro seems to have been beyond criticism: hence antiquarianism usually seems to have approval.

If we restrict our attention to writers outside the antiquarian tradition, then we find that the supporters of antiquarianism are represented mainly by Cicero, while, as was noticed by Robert Burton in 1621, the younger Seneca embodies its opponents. The apparent silence of the satirists regarding antiquarianism is surprising; but first we should see what else Cicero has to say.

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56 E.g. Dion. Hal., *Ant. Rom.* 2.21.2; Cic., *Brutus* 15.60; Quint., *Inst.* 10.1.95; August., *CD* 4.1; 6.2; 6.6; *NA* 4.9.1 etc.

57 Cic., *Acad.* 1.3.9.

58 E.g. Cic., *Att.* 2.25.1; 13.12.3. Book 13 of the letters to Atticus, who seems to have been closer to Varro than was Cicero, contains repeated reference to Cicero's concerns as to what Varro's opinion of the *Academica* would be. Cf. Dahlmann, 'Varro', 1177.

59 This evidently lies behind a peculiar passage of Lydus (*Magg.* 74) which suggests that (the later) Fenestella and Sisenna were quoted by Varro in the *RH*.

Both in the *Academica* and in the *Brutus*, Cicero suggests that Varro was continuing the work of Aelius Stilo, whom Cicero describes as "eruditissimus ... antiquitatisque nostrae et in inventis rebus et in actis scriptorumque veterum litterate peritus" ('very learned ... and an expert on our past, both our discoveries and our deeds, and on the literature of the old writers'). This confirms that Stilo's and Varro's interests were similar. (Both Cicero and Varro had attended Stilo's lectures, and so Cicero was in a position to judge.)[60] Now, in the *De Oratore*, Cicero has Crassus refer to the attraction of Stilo's work ("haec Aeliana studia") as being the picture which it provides of the *maiorum consuetudo vitaque*.[61] This is clearly approval of antiquarianism as a subject.

Similar approval is directed towards the work of M. Junius Congus (who is probably the same as M. Junius Gracchanus): in Cicero's *De Legibus* Atticus asks Cicero to discuss the legal foundation of the powers of the magistrates - a typically antiquarian concern, which would not be entirely in place in any work of Cicero - and Cicero answers that he can do so briefly, since M. Junius had dedicated a lengthy work on the subject to Atticus' father, *perite et diligenter* in Cicero's judgement. In the *De Oratore*, M. Junius is an *optimus vir et instructissimus* in history, the understanding of public law, the *antiquitatis iter* and a host of *exempla*. Despite such praise from no less than Cicero, M. Junius' renown was overshadowed by that of his successors, and so we find the name Congus being glossed as "homo curiosus et diligens eruendae vetustatis" by the Scholia Bobiensia.[62]

In Cicero's verdicts we have encountered some of the most telling features of Roman antiquarianism as perceived by contemporaries, or at least by its supporters: it is interesting; it illuminates the life and customs of the *maiores* (rather than the *res gestae* of men and states); and it is studied *diligenter* - with great care - by men who are *eruditissimi*, *doctissimi* and *peritissimi* - erudite, scholarly and expert. So Quintilian summarises Varro as "vir Romanorum *eruditissimus*. Plurimos hic libros et *doctissimos* composuit, *peritissimus* ... omnis antiquitatis", and the final characteristic of antiquarian writers is supplied

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60 Cic., *Acad.* 1.2.8; *Brutus* 205. On Cicero and Varro as students of Stilo cf. Cic., *Brutus* 207; *NA* 16.8.2.

61 Cic., *De Or.* 1.43.193.

62 Cic., *Legg.* 3.20.48; *De Or.* 1.60.256 (cf. *Pro Planc.* 24.58); Schol. Bob. p.163,1-3 St.

by Cicero, who calls Varro the "*diligentissimus* investigator antiquitatis".[63] And these terms are used recurrently of antiquarian writers. In short, those whom I would see as antiquarians were seen as learned men who pursued their studies in a scholarly, almost professional manner.

These terms are positive ones and their application to antiquarian writers is probably the clearest indication of approval for antiquarianism. *Diligens* and its cognates are commonly applied to research or study (and often for research or study carried out by those whom I would characterise as antiquarians), and suggest care and attention. We have already encountered Livy's description of Cincius as a *diligens auctor*; in Cicero's writings *diligens* is usually connected with learning and scholarship; Augustine asks who could have written *diligentius* than Varro; and Gellius explains Augustus' maxim σπεῦδε βραδέως by contrasting the *celeritas* of industriousness and the *tarditas* of *diligentia*.[64] The nearest that Cicero came to writing an antiquarian work is his *De Re Publica*, and it is notable that he himself applies the adverb *diligenter* to its composition; and Macrobius uses *diligentia* with reference to the antiquarian scholarship in Vergil.[65] It is interesting that it would seem (from the *Thesaurus Linguae Latinae* at least) that *diligentia* is an attribute shared above all with the jurists, a group of writers who, like the antiquarians, won recognition for their learning, not for their literary style.[66]

The word *doctus* is used more widely than *diligens* and is often found describing philosophers and poets as well as scholars, invariably positively. Both in Cicero and almost everywhere else he is mentioned, Varro appears frequently as *doctus/doctissimus*, as on occasion are most other scholars. Thus Quintilian calls the elder Pliny a "doctus homo"; Cicero calls Sisenna "doctus vir

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63 Quint., *Inst.* 10.1.95 (cf. also August., *CD* 6.2; 6.6 for similar); Cic., *Brutus* 60.

64 Livy 7.3.7; Cicero calls Nigidius Figulus an *acer investigator et diligens* (*Timaeus* 1.1); cf. also, e.g., Cic., *Acad.* 2.31.98; *Fin.* 2.14.44; *Div.* 1.20.39 etc.; August., *CD* 6.2; *NA* 10.11.5 (cf. Suet., *Aug.* 25.4). Seneca's description (*Quaest. Nat.* 6.12.1) of the philosopher Archelaus as "antiquitatis diligens" confirms a connection between antiquity and *diligentia*.

65 Cic., *Off.* 2.17.60; Macrob., *Sat.* 5.18.15.

66 E.g., *NA* 1.12.1; Cic., *Legg.* 1.4.14, where he speaks of juristic works as *diligenter conscripta*. Quintilian, *Inst.* 10.1.95 regards Varro as more likely to contribute to his readers' knowledge than their eloquence. Varro's prose seems to have had something of a reputation for inelegance, which is no doubt one explanation for the loss of most of his works.

et studiis optimis deditus" and Nigidius Figulus "omnium doctissimus", Gellius agrees with Cicero about Nigidius Figulus and calls Aelius Stilo the *doctissimus tunc civitatis homo*, and even Seneca calls Varro the *doctissimus Romanorum.*[67] (*Doctus* is also used of the jurists.[68]) It is worth mentioning that in one of his letters (to Varro as it happens), Cicero sees the work of *doctissimi* as investigating *de moribus ac legibus*. Gellius also has the combination of *doctus* and *eruditus*, this time as a gloss on the word *humanus*, as used by Varro.[69]

Similarly the adjectives *eruditus* and *peritus* are widely used also of others than antiquarians: but the main point is again that they are positive terms - people were not criticised for their *eruditio* or their *peritia.*[70] The closest to criticism of erudition and expertise is Juvenal's condemnation of educated women, though there are, of course, numerous instances in Latin literature of those who pretend to learning being criticised, often fiercely: this is, for instance, a repeated theme in the *Noctes Atticae* of Aulus Gellius. Gellius criticises Seneca's *eruditio*, not in itself, but because it was *vernacula et plebeia.*[71] We should also recall at this point that the jurists were known as *iurisperiti* or *iure periti.*[72]

It is significant that the term *curiosus* and its cognates rarely appear in connection with antiquarian writing, for this seems to have been something of a dismissive term, often at best redolent of excess, except it would seem in some post-Silver Age Latin, where one sense of the word seems to have acquired a neutral, even respectable patina, though by late antiquity, or in the works of Augustine at least, *curiositas* again becomes reprehensible, in reference to non-Christian religion. In Cicero's speech *De Domo Sua*, the word *curiosus* has overtones of meddling, being over-inquisitive about things one should not know

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67 Quint., *Inst.* 11.3.143 (for Gellius, *NA* 9.16) Pliny is *aetatis suae doctissimus*); Cic., *Brutus* 228; *Fam.* 4.13.3; *NA* 4.9.1; 4.16.1; 17.7.4; 1.18.1. The Scholia Bobiensia (p.146,9 St.) describes Nigidius Figulus as "vir doctrina et eruditione studiorum praestantissimus". For Varro as *doctus/doctissimus* cf., e.g., Cic., *apud* August. *CD* 6.2; Cic., *Div.* 1.68; Ter. Maur. 2846; August., *CD* 3.4; 4.1; 18.2; 21.8 etc.; Sen., *Dial.* 11.8.1. Even a friend of Varro is automatically a *homo doctus* (Cic., *Fam.* 9.2.1).

68 E.g. Pomponius, *D.* 1.2.2.46: "Tubero doctissimus habitus est iuris publici et privati; *NA* 13.12.1: "Labeo Antistius legum atque morum populi Romani iurisque civilis doctus adprimum fuit"; 7.12.1 (Servius Sulpicius).

69 Cic., *Fam.* 9.2.5; *NA* 13.17.4.

70 Erudite antiquarians are, e.g., Nigidius Figulus (*NA* 15.3.5), Ateius Capito (*NA* 10.20.2), Aelius Stilo (Cic., *Brutus* 205).

71 Juvenal, *Sat.* 6.434 - 456; *NA* 1.10; 4.1; 9.15; 16.6; 16.10; 18.4; on Seneca: *NA* 12.2.

72 E.g. one of the most antiquarian of jurists, Ateius Capito, is *publici privatique iuris peritissimus* (*NA* 10.20.2).

about (in this instance, pontifical lore) and of having delved rather too deeply in search of knowledge. Varro's definition of *curiosus* in his *De Lingua Latina* confirms this: the *curiosus* is someone who applies *cura* beyond proper limit.[73] Given the antiquarian interest in, and writing on, religious *arcana*, including the lore of the priestly colleges of Rome, it is strange that the antiquarian writers seem never to have been criticised for their *curiositas*.[74] The Augustan jurist, Antistius Labeo, makes the critical overtones of *curiositas* clear in setting forth the *curiosissimus homo* and the *neglegentissimus homo* as opposite extremes, and Apuleius suggests that, while *curiositas* may make one a polymath, it does not make one wise.[75] Gellius seems to be one of the earliest writers regularly to use *curiosus* in a more neutral manner, almost synonymous with *diligens*.[76] (For Peter, *curiositas* as a literary genre was a less learned parallel to antiquarianism and particularly flourished from the later second century onwards.[77])

To be *curiosus* was then to have an excessive eagerness for knowledge and, apparently, something reprehensible, and so we would expect it to be used with reference to antiquarianism by its critics: we have, however, very little evidence of it being used in any connection with antiquarianism. And it is very interesting that when criticism is encountered, then it is by and large of the subject and its methods, not of named practitioners: indeed Quintilian's comment that, while the elder Pliny was a learned man, he was also almost too inquiring ("paene etiam nimium curiosus") seems unique (until the later imperial period, when the tone of such a statement would have shifted). There almost seems to have been a distinction between professional antiquarians, such as Varro, and amateurs (rather like many of the later antiquaries) who were little more than time-wasters.

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73 Cic., *Dom.* 12.33; 15.39; 46.121; cf. *Off.* 1.34.125; *LL* 6.46.. The word can, of course, be used in a more neutral manner, e.g. Cic., *Flacc.* 70. In general cf. A. Labhardt, 'Curiositas. Notes sur l'histoire d'un mot et d'une notion', *Mus. Helv.* 17 (1960), 206-224 (Labhardt stresses the essentially pejorative nature of the word *curiosus*) and P. G. Walsh, 'The Rights and Wrongs of Curiosity (Plutarch to Augustine)', *G&R* 35 (1988), 73-85.

74 There is repeated discussion of pontifical and augural procedures and terminology in, for example, what remains of the work *De Verborum Significatu* of the Augustan writer, Verrius Flaccus (see below, pp. 75-82), in Gellius' *NA* and Plutarch's *QR*. Note that before Apuleius, the noun *curiositas* appears only once (Cic., *Att.* 2.12.2, in a not unduly negative context).

75 *D.* 22.6.9.2; Apul., *Met.* 9.13.

76 E.g. *NA* 1.4.1; 2.17.1; 7.5.1; 12.14.4 (describing himself!); 16.12.1. But Seneca, (*Quaest. Nat.* pref. 12) speaks approvingly of the mind as a *curiosus spectator*.

77 Peter, *op. cit.* (n.5), 148-158.

It is interesting to note that in 1621, Robert Burton came up with essentially the same criticism of the "curious antiquaries" and also avoided naming any of those whom he was criticising: "But I dare say no more of, for, with, or against them, because I am liable to their lash as well as others."[78]

In the fifth book of Cicero's *De Finibus*, one of the interlocutors (not Cicero himself) is slightly more dismissive of antiquarianism: enthusiasm for antiquities gains his approval as long as this serves to increase one's admiration for the *summi viri*, and so leads to one's emulation of them. On the other hand, the speaker continues, if it serves only to stimulate a desire for evidence for antiquity, then it is the province only of *curiosi*.[79] Later in the same book a similar sentiment is expressed:

> The desire for miscellaneous omniscience is the mark of the *curiosus*, but being led on to the desire for knowledge by the contemplation of higher matters must be seen as the mark of a great man.[80]

In other words, *curiositas* is to be avoided, while the desire for knowledge, *cupiditas scientiae*, is not in itself a bad thing.

Of course it is impossible to say exactly where such as Cicero might have drawn the line between *curiosus* and *diligens/doctus/eruditus*. There is no clear and universally valid distinction, and double-standards/personal prejudice clearly had a role to play. Elsewhere, Cicero notes as one of the possible pitfalls of the pursuit of knowledge, that 'some people spend an excessive amount of time in the profound study of matters which are obscure and difficult, as well as being unnecessary.'[81] The difficulty is not so much in generalising from Cicero's views, but in fathoming where the likes of Varro could find a place in such a generalisation, since the antiquarians seem to have had no scruples about including the most miscellaneous information. Of course, in none of Cicero's remarks about *curiositas* above is he critical of the desire for knowledge, and indeed the third remark comes in the context of the discussion of the attractiveness of knowledge *per se*, without regard to its utility:

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78 Quint., *Inst.* 11.3.143; Burton, *loc. cit.* (above n.53).
79 Cic., *Fin.* 5.2.6. Rackham's Loeb translation aptly renders as 'if they only stimulate antiquarian curiosity, they are mere dilettantism.'
80 Cic., *Fin.* 5.18.49.
81 Cic., *Off.* 1.6.19.

> So great is our innate love of learning and of knowledge that nobody could doubt that men are naturally drawn to these things, without the lure of any profit. ... We see those who delight in the liberal arts and studies, unconcerned for their health or their family, enduring all inconvenience, captivated by learning and knowledge and compensated by the pleasure they gain from acquiring knowledge.[82]

One wonders whether the latter might not count as *curiosi*: in general it would seem that *curiositas* becomes reprehensible when it becomes obsessive, rather than as a result of the futility of the work involved.

But when we come to Seneca's views on antiquarianism, we find two main criticisms: the detailed, narrow approach of antiquarian writers and the futility of their work. In one of the *Epistulae Morales*, Seneca compares the responses to Cicero's *De Re Publica* of a *philologus*, a *grammaticus* and a philosopher, and so gives us a rare insight into the perception of antiquarian studies at Rome by those outside and (professedly at least) uninterested in them.[83] The rarity of this sort of comment makes it significant that Seneca sees the scholar (we have already seen that there was apparently no word for an antiquarian writer) as being interested in the genealogy of the kings Servius and Ancus, the original name of the dictator, that Romulus died during an eclipse, that *provocatio* existed under the kings and that he would comment on the interpretation of individual words (with reference to Ennius) and would congratulate himself for finding the source of a line of Vergil. This happens to be a good picture of the interests of Aulus Gellius, and indeed of Roman antiquarianism. That Seneca has abruptly to stop himself from straying into the territory of the scholars indicates that this was a territory of interest even to non-scholars. There seems to be an element of intellectual snobbishness on Seneca's part: such matters were beneath a serious philosopher. While Seneca seems not to use *curiositas* as a charge against the antiquarians, his criticism is very much the same as if he had: 'To want to know more than is necessary is a sort of intemperance.'[84]

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82 Cic., *Fin.* 5.18.48.

83 Sen., *Epp.* 108.30f. Cicero criticises the writers on *ius civile* for getting bogged down in trivial details (*Legg.* 1.4.14) and Gellius' main criticism of grammarians would seem to be their restricted outlook.

84 Sen., *Epp.* 88.36. Cf. Cic., *Fin.* 5.18.49: "omnia quidem scire cuiuscumquemodi sint cupere, curiosorum ... est putandum."

The same sort of thing also occurs in the *De Brevitate Vitae*, where Seneca seems to get rather carried away when upbraiding an anonymous contemporary for his collection of 'Firsts of Roman Generals': he does not simply give examples of the sort of 'useless' *quaestiones*, which this man discussed, but also provides the answers, often at some length, and with a certain emphasis on elephants. There is undoubtedly an antiquarian tinge, which is visible not least in the way in which Seneca wanders off his subject, to the explanation of the *cognomina* of Appius Claudius Caudex and the Valerii Messalae:

> Claudius Caudex got his name from the fact that the ancients called a stack of tablets a *caudex*, and so the public records are called *codices*. Even today the ships which transport supplies along the Tiber are, following ancient usage, called *codicariae*. And it is clearly also relevant that because Valerius Corvinus was the first to defeat Messana, he was also the first of the Valerii to be called Messana, taking on for himself the name of the captured town, which gradually became Messala, because of the common substitution of letters.

We may compare the *familiarum historiae* known to have been written by Varro, Hyginus, Atticus and the augur Messala, and the considerable information on this subject in Festus. Similarly, Seneca's brief discussion of the *pomerium* may be compared with those of Varro, Gellius and Verrius Flaccus. We also encounter in the above passage from Seneca, the use of etymology, a favourite tool of the antiquarians.[85]

A similar episode occurs in Gellius' *Noctes Atticae*: a friend presents Gellius with 'a large tome overflowing with all sorts of material', which the anonymous friend says Gellius may use for his work. Gellius condemns it as being full of rubbish (*mera miracula*) and hurriedly returns the book. It is interesting that Gellius disposes of this rather more briefly, and without answering the *quaestiones*, than does Seneca his anonymous' work. Elsewhere, of course, Gellius can, as Holford-Strevens puts it, himself "find reasons for repeating total rubbish, though he usually feels obliged to give them."[86]

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85 Sen., *Brev. Vit.* 13.4f. (On *codicariae* cf. *NA* 10.25.5 and Varro, *ap.* Nonius, p.535M.) On the origins of *cognomina* cf., e.g., *NA* 9.11; 16.16; Varro *ap.* Serv., *Aen.* 11.743; and on family histories cf. Strzelecki, *Verrianae*, 24-29. *Pomerium*: Sen., *Brev. Vit.* 13.8; *LL* 5.143; *NA* 13.14; Fest., 249 *posimerium*. Varro's explanation of *pomerium* is essentially the same as that of Gellius and Verrius, though it omits the discussion of the exclusion of the Aventine hill found in Seneca, Gellius and Verrius.

86 *NA* 14.6; Holford-Strevens, *Gellius*, 28-31.

Elsewhere, Seneca's criticisms are directed more closely against what he sees as the worthless pursuit of literary studies or *supervacua* of any kind, though the interests of the antiquarians are naturally never very far away. Most of the subjects which Seneca singles out may be found in the compendious collections of Pliny and Gellius.[87] It is, however, interesting that Gellius can agree that such matters as the location of the wanderings of Odysseus, are pointless trivia or *mera miracula*.[88] And there seem to have been other critics of at least the antiquarian method, if not its results, for both the elder Pliny and Gellius defend their inclusion of what they realise may be seen as obscurities and trivialities: 'Indeed most people actually laugh at me for studying these things and criticise me for working on trifles,' 'but I will even investigate matters which have sunk into oblivion and will not be put off by the insignificance of some matters'. In Macrobius' *Saturnalia* the question as to which came first, the chicken or the egg, is asked in jest, but it is insisted that the question is 'worth looking into and knowing' and should be included among serious questions, which should be carefully discussed.[89]

Whether all this amounts to being "the dearest foe of antiquarian writing", which is how Holford-Strevens characterises Seneca, may well be doubted. Certainly Seneca does not make as much as might have been expected out of the antiquarian learning or leanings of the emperor Claudius, assuming that Seneca did indeed write the *Apocolocyntosis* attributed to him.[90] There are references in the *Apocolocyntosis* to Claudius' scholarly interests, but they are few and invariably oblique; if there is an emphasis, then it is on Claudius' judicial passion.

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87 Cf., e.g., Sen., *Epp.* 88.6 and *NA* 3.11 (Gellius, §3, also compares Varro); Sen., *Brev. Vit.* 13.6 and *NH* 8.20.53; Sen., *ibid.* §8 and *NH* 8.6.16. Similar criticisms are also found in Juvenal, though he restricts himself to more strictly grammatical matters: *Sat.* 6.434-456; 7.215-243.

88 *NA* 14.6. Cf. Sen., *Brev. Vit.* 13.2; *Epp.* 88.7.

89 *NH* 22.7.15; 14.1.7; cf. *NA* 7.13.7; 11.3.1; 13.29.6. For a similar view from Varro cf. *LL* 7.109. Macrob., *Sat.* 7.16.1 - 14. Cf. *NA* 7.13.7 for the serious treatment of *nugae*.

90 Holford-Strevens, *Gellius*, 188. On Claudius' interests, cf. B. M. Levick, 'Antiquarian or Revolutionary? Claudius Caesar's Conception of his Principate', *AJPh* 99 (1978), 79-105; E. Huzar, 'Claudius - the Erudite Emperor', *ANRW* 2.32.1 (1984), 611-650.

Although the *Apocolocyntosis* seems to concentrate on Claudius' public vices, it is surprising that his scholarship comes in for so little criticism (there is, for example, no mention of his Etruscology, or of his addition of three letters to the Latin alphabet).[91] It might be argued that this is a result of the particular nature of the *Apocolocyntosis*, but the universal silence of the satirists proper on the subject of antiquarian scholarship suggests that this was not something which attracted their attention, or that it was not felt suitable for satirical treatment: it is worth recalling that Seneca's criticisms come in the context of promoting philosophy as a worthwhile activity. As very little else seems to have escaped the attentions of the Roman satirists, this does seem to mark out antiquarianism as something special. Again, the explanation for this silence is not that antiquarian scholarship was unimportant: too many antiquarian works were written for that to be the case.

Much the same is true of other forms of study for Juvenal at least. The exception comes when he inveighs against women who aspire to be *grammatici* and literary critics.[92] When he mentions *grammatici* proper, it comes in the context of the seventh satire where Juvenal complains about the lack of patronage for writers in general. One reason for the exclusion of antiquarian writers from this particular satire may well be that their subject would not fit into Juvenal's classification of writers, or rather that antiquarianism was not among the canons of 'good' literature which needed patronage. This view is supported by the very little space which Juvenal allots to the writers of history. As Courtney noted, Juvenal needed to include historians as representative of prose writers, but could not dwell on them, as his case here was weak, since the majority of historians at the time were from the reaches of society which did not require patronage. It is certainly the case that in the imperial period at least, we do not find antiquarian scholars in search of patronage: Gellius, for instance, might not belong to the top reaches of Roman society, but he is evidently comfortably well-off, with the means to travel quite widely; or at least that is what he would have his readers believe. Similarly, when Juvenal comes to

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91 Suet., *Claud.* 41.3; 42.7. The mentions of dicing and of Claudius weakness for gambling might be connected with the widespread antiquarian interest in games (and with Claudius' own book on gambling): Sen., *Apocol.* 12.3; 14.4; 15.1; cf. Suet., *Claud.* 33.2.

92 Juv., *Sat.* 6.434ff.

oratory, he talks of the *causidici*, the petty pleaders of the age, rather than the likes of the younger Pliny.[93]

Summary

In the early modern era, as Levine remarks, "the trouble was that mere curiosity, the love of exact detail in and for itself, was rarely appreciated and often derided by the classical teachers who dominated the polite world." But the ancient perception of antiquarian studies was markedly more favourable.[94] While their interests seem to have been essentially the same, the ancient antiquarians were spared the ridicule directed towards their later counterparts, and antiquarian studies seem to have been regarded in ancient Rome in a positive light, as worthwhile and pursued by generally acknowledged experts. On the very rare occasions when we encounter criticism of something which we might identify as antiquarian studies, then that criticism seems to be directed at those who falsely claim antiquarian learning, and/or those who are unable to restrain their interests within proper bounds.

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93 Juv., *Sat.* 7.98-104; Courtney, *op. cit.* (n.54), *ad loc.* Juvenal is also rather dismissive of the value of historical writing.

94 Levine, *op. cit.* (n.28), 99.

2 The Antiquarian Scholars of Rome

In 1897 Hermann Peter noticed the existence within Roman historical writing of a tradition of antiquarian studies, represented by a number of writers on Rome's past who paid little regard to literary style, and he produced what is essentially an annotated list of these writers. Both Peter's realisation that the connection between all these writers was their antiquarian studies, although he left this undefined, and his attempt to identify the Roman antiquarian scholars would seem unique. It is, however, far from forming a history of antiquarian studies at Rome, a task which Skydsgaard regards as impossible, probably correctly, given the fragmentary state of the antiquarian tradition as it has reached us.[1]

What we now have, of antiquarian writing as of other genres, is a limited and possibly unrepresentative sample of works (in the case of antiquarianism mainly fragmentary) and the names of some of the other works which do not survive. It is important then to identify the antiquarian scholars of Rome and those works which contain antiquarian material and which can tell us something of the antiquarian tradition at Rome. The main problem in identifying the antiquarian tradition is that we have very little of it. We cannot and should not avoid Varro, but what are seen as his antiquarian works survive only in fragments, which are often extremely brief and give little idea of the context and none of the works as a whole. The apparently derivative nature of much Roman scholarship is at once a further obstacle and an aid. Hence the problem is also a circular one: we are forced to deduce the common features which go to make up the antiquarian tradition at Rome from a limited number of supposed representatives of that

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1 H. Peter, *Die geschichtliche Litteratur über die römische Kaiserzeit bis Theodosius I und ihre Quellen* (Leipzig, 1897), vol. 1, 108-158; Skydsgaard, *Varro*, 123.

tradition; there were many more possible antiquarians whose works survive only in the most meagre fragments (usually preserved by later antiquarians), if at all; and in some of these we may detect elements in common with this putative antiquarian tradition.

It should be reiterated that no wholly antiquarian work survives from ancient Rome and there is no indication that any Roman writer ever devoted himself solely to antiquarian studies: for the most part, we are dealing with scholars whose wide interests *included* antiquarian studies. For instance, even the supposedly archetypal Roman antiquarian, Varro, also wrote satires, an agricultural treatise and what were apparently works of literary criticism. Indeed, one might see the Varronian corpus as making up a vast encyclopaedia; and this is an appropriate frame of reference when dealing with Varro's successors in the imperial period, few of whom limited themselves to any particular subject.

It seems clear, however, that there was an interest in antiquarian studies in most periods of Rome's history. There are three main heads under which one can discern the presence of an antiquarian tradition at Rome: the long history of antiquarian studies; the methods or characteristics which the antiquarians appear to have in common; and their interests. We turn now to consider the first of these: that is, to the identification of those whom I believe may be seen as contributing to the antiquarian tradition.

There seems to have been an antiquarian element in the earliest Roman literature, and it may be that, had we more of Cato's historical works, they would belong more with antiquarianism than with historiography: it is not until the late second century B.C. - at the earliest - that antiquarian writing appears as a genre separate from historiography. Several centuries later, in sixth-century Constantinople, John Lydus was still writing in the tradition of Roman antiquarianism. And it may be that antiquarian writing continued through the Middle Ages to a greater extent than has sometimes been assumed. It has been suggested that

> interest in ancient institutions continued unabated from Varro to Biondo giving origin to a constant flow of antiquarian literature. These studies, though fragmentary and inconclusive when judged by the standards of

> Varro's *Antiquitates*, are nevertheless viable forms of antiquarianism whose existence contributed substantially to the preservation of the antiquarian tradition in medieval and early Renaissance Europe.[2]

The antiquarians to whom I shall be making most frequent reference below are Aulus Gellius, Varro, Verrius Flaccus and his epitomators, the Elder Pliny, Suetonius and Macrobius. These writers are also, with the exception of Varro, those whose writings are now the most accessible. It is clear that their literary output, and hence their presumed interests, are not solely antiquarian. They indulge in and/or pass on antiquarian scholarship, yet it would clearly be wrong to suggest that their work was purely antiquarian and hence it is principally for simplicity of expression that I shall call such writers antiquarians. With this in mind, Cicero's contribution to the present work should come as less of a surprise. Those whom I have just mentioned also all appear in Peter's list of antiquarian writers, though there were also many others, some of whom were not mentioned by Peter. The first part of this chapter will then outline the history of antiquarian studies at Rome as reflected in those who can be seen as contributing to those studies.

In the second part of this chapter I shall look more closely at M. Terentius Varro. Varro was tremendously important: he was the dominant figure in Roman antiquarianism, whom Dahlmann has rightly called "die geistige Macht, die gab und lehrte, an der man sich bildete, die man ausschöpfte, nachahmte, anerkannte, mit der man sich maß und allenthalben auseinandersetzen mußte".[3] In the mid-first century B.C., Varro wrote his *Antiquitates Rerum Humanarum et Divinarum*, a systematic study of Rome and her past, and in so doing both apparently introduced the name *antiquitates* for antiquarian studies and set those studies on a firm footing. But what are seen as Varro's antiquarian works exist only in fragments, which are often extremely brief and give little idea of the context and none of the works as a whole. This is a major obstacle to understanding Varro and, because of his importance, Roman antiquarian writing.

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2 A. Mazzocco, 'The Antiquarianism of Francesco Petrarca', *Journal of Medieval and Renaissance Studies* 7 (1977), 203-224, p.204 with his n.3.

3 Dahlmann, 'Varroniana', 5.

1. The History of Antiquarian Studies at Rome

Momigliano saw Varro as "the father of antiquarian studies" in that in the *Antiquitates* he seems to have been the first to describe systematically all the aspects of the life of a nation and he suggests that Varro may even have given the subject a new name: *antiquitates*.[4] The history of antiquarian studies may, however, be traced back somewhat further. Momigliano detected a direct link between the most ancient antiquarian studies and those of more recent times, and saw the Greek origin of antiquarian studies in the genealogies, foundation myths of cities and the lists of eponymous magistrates, known collectively to Plato as *archaiologia*. This concept of *archaiologia* may well have formed a foundation for Roman antiquarianism also: Jocelyn is undoubtedly correct to see Varro's title, *Antiquitates*, as a translation, and hence deliberate reminiscence of Greek ἀρχαιολογίαι, as Cato's *Origines* may also have been. But the Roman antiquarians, while undoubtedly influenced by Greek antiquarianism, had to find their own approach to building on this foundation, for there was little concrete material that could be transferred from Greek works to those of the Roman antiquarians, since the latter were concerned with the practicalities of Roman public and private life, not with the theory.[5]

a) The Second Century B.C.

At Rome, the development of all scholarly activity is, following Suetonius' account, often taken to have started as a result of the impetus provided by the enforced presence in Rome of Crates of Mallos, probably in 168 B.C. In his *Wahrheit und Kunst*, Peter saw Crates as influencing a circle of scholars already in existence at the time of his embassy to Rome, but there are insuperable difficulties in identifying such a circle. The elder Cato (234 - 149 B.C.) comes first in Peter's list of Roman antiquarian scholars, on account of his *Origines* and the comments about using epigraphic evidence, which Cicero puts into Cato's

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4 Momigliano, 'Antiquarian', 71f. B. Cardauns makes the same suggestion, *M. Terentius Varro Antiquitates Rerum Divinarum. Teil I: Die Fragmente. Teil II: Kommentar* (Wiesbaden, 1976), 130.

5 Momigliano, 'Antiquarian', 70 citing Plato, *Hippias Maior*, 285D. H.D. Jocelyn, 'Varro's Antiquitates Rerum Divinarum and Religious Affairs in the late Roman Republic', *BRL* 65.1 (1982), 148-205, pp. 183-191.

mouth in the *De Senectute*. Cato's *Praecepta ad filium* also seem to have covered a range of subjects; they have indeed been seen as the first Roman encyclopaedia, though we know little of them.[6]

Peter's enumeration of Roman antiquarians passes from Cato to Aelius Stilo and he rightly sees antiquarian studies after Crates' visit as being closely linked with linguistic studies. Yet at this stage Roman scholarship was still in its infancy, and we may also detect grammatical and antiquarian learning appearing in the historians, as can be seen, for instance, in the annalist L. Cassius Hemina (*fl.* mid second century B.C.): Nonius mentions a *De Censoribus* in at least two books and this would reflect the antiquarian interest in magistracies.[7] It is interesting that Hemina's influence on historiography seems to have been limited: his work was used only by antiquarians and grammarians of the imperial period, and by Tertullian. The *Fasti* compiled by M. Fulvius Nobilior, consul in 189 B.C., are mentioned by Macrobius, and on his evidence seem to have had at least antiquarian leanings: the fragments are concerned to establish the origins of the various features of the Roman calendar. Fulvius also seems to have been something of a collector, for we learn that he erected the temple of Hercules Musarum at Rome to house some of the works of art which he acquired as booty.[8] From later in the second century B.C., the work *De Potestatibus* of M. Junius Gracchanus and the *Libri Magistratuum* (in at least thirteen books) of C. Sempronius Tuditanus, the consul of 129 B.C., are comparatively widely cited by later antiquarians.

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6 Suet., *Gramm.*, 2. Cf., e.g., R.M. Henry, 'Latin Scholarship in Antiquity', *OCD*², 960. H. Peter, *Wahrheit und Kunst. Geschichtschreibung und Plagiat im klassischen Altertum* (Leipzig-Berlin, 1911), 307. Cato: Peter, *op. cit.* (n.1), 108; Cic., *De Senect.* 7.21; 11.38. On the *Praecepta* cf. Schanz-Hosius §§66-67; M. Fuhrmann, *Das systematische Lehrbuch. Ein Beitrag zur Geschichte der Wissenschaften in der Antike* (Göttingen, 1960), 159; and R. Collison, *Encyclopaedias: their History throughout the Ages. A bibliographical guide with extensive historical notes to the general encyclopaedias issued throughout the world from 350 B.C. to the present day*² (New York & London, 1966), 23.

7 Fragments 2-4 of the *Annales* deal with matters of etymology (*HRR* 1, 98); fragment 13 with Numa's attempt to keep the price of fish down by restricting the use of fish as sacrificial offerings, and fragments 18-20 are on the calendar and religious matters (*ibid.* 102-105); Non., p.346M. Cf. Schanz-Hosius §70.1; *HRR* 1, CLXV-CLXXIII (Peter, *HRR* 1, CLXXIII sees the *De Censoribus* as part of Hemina's *Annales* rather than a separate work).

8 Macrob., *Sat.* 1.12.16 (explaining the names of the months *Maius* and *Junius* as being invented by Romulus in honour of the *maiores iunioresque* into which he had divided the Roman people); 1.13.21 (on the origins of intercalation). On the temple cf. Cic., *Arch.* 11.27; Pliny, *NH* 35.36.66; *ILS* 16. The Furius whom Macrobius cites via Sammonicus Serenus may also belong to this period: cf. Schanz-Hosius §77.

It is quite likely that the works of Tuditanus and Gracchanus were a reaction to the political turmoil of the years following 133 B.C. (which Rawson saw as contributing to the emancipation of antiquarianism from historiography), and considering their titles, that the works were an attempt to settle questions of current concern by seeking out the historical foundations of institutions and of the magistracies. We need only note the importance of the tribunate in this period and in particular the trial in 120 B.C. of L. Opimius (who had been in charge of the court which tried the followers of Gaius Gracchus), which seems to have revolved around the question of how far a magistrate might go in the exercise of his *imperium* at such times of turmoil. It should be noted that, rather than proposing reforms, the principal political motivation for Roman antiquarian works seems always to have been to answer the questions posed by contemporary events or circumstances by reference to Rome's past and the origins of the institutions affected. It is significant that of the eight surviving fragments of Tuditanus' works one deals with the *maius* and *minus imperium* and another with the origin of the tribunate.[9] Junius Gracchanus' partisanship is made clear by Pliny, who tells us that he was called Gracchanus on account of his friendship with Gaius Gracchus: his antiquarian scholarship becomes apparent if we accept that he is the same as the M. Junius Congus mentioned in the *De Oratore*, where Antony says that he will be able to borrow from this Congus, his *familiaris, istis rebus instructissimus,* anything he needs on *historia et prudentia iuris publici, et antiquitatis memoria*, as well as a hoard of *exempla.* In the *De Legibus* Cicero mentions that the *De Potestatibus* was dedicated to Atticus' father and attests the scholarship of the work.[10]

b) The First Century B.C.

Rawson provided a general introduction to antiquarian scholarship in the late Republic, naturally concentrating on Varro, though mentioning also Aelius Stilo, Cicero and L. Cincius.[11] There were undoubtedly others too who wrote on

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9 Rawson, *Intellectual Life*, 234. Opimius: Livy, *Epit.* 61; Cic., *Sest.* 140; *De Or.* 2.106, 132, 164f., 170; *Part. Or.* 104. Tuditanus: *HRR* 1, CCI-CCIII, 143-147: frgg. 4 and 8. Cf. Schanz-Hosius §70.3.

10 *NH* 33.9.36; Cic, *De Or.* 1.60.256; *Legg.* 3.20.48; another reference by Cicero to Junius Congus is preserved by Pliny, *NH* pref. 7. Rawson, 'Cicero', p. 33 firmly identifies the two as the same M. Junius Congus Gracchanus. Cf. also Schanz-Hosius §77 and B. Rankov, 'M. Junius Congus. The Gracchan', in M. Whitby, P. Hardie and Mary Whitby (eds.), *Homo Viator. Classical Essays for John Bramble* (Bristol, 1987), 89-94.

11 Rawson, *Intellectual Life*, 233-249.

antiquarian subjects in this period: one misses in Rawson's account of antiquarianism, for instance, any mention of Atticus. Though again the problem (apart, in Atticus' case, from the facts that his works do not survive and apparently were not widely used by later scholars) is of definition: it would be wrong to characterise Atticus simply as an antiquarian; as is usually the case, antiquarianism is but one of several interests and pursuits. I turn now to look more widely at antiquarian activity in this period, commencing with those mentioned by Rawson.[12] (I shall discuss Varro separately.)

i) Aelius Stilo

L. Aelius Stilo Praeconinus (c.154 - 90 B.C.) is sometimes called the first Roman scholar.[13] Although his main interests seem to have been in grammar and literary history, he seems to have had more than a passing interest in antiquarian subjects, for in the *De Oratore*, Crassus refers to "haec Aeliana studia", which can make vivid the learning of civil law by illustrating the *maiorum consuetudo vitaque*: the study of the life and manners of the past is of recurrent antiquarian interest.[14] In addition we know of a commentary by Stilo on the *carmina Saliaria*, and some sort of lexicographical work is presumed, which may be what Cicero/Crassus intends. Significant also is Cicero's description (in the *Brutus*) of Stilo as "eruditissimus et graecis litteris et latinis, antiquitatisque nostrae et in inventis rebus et in actis scriptorumque veterum litterate peritus", which perhaps gives the fullest indication of Stilo's range of interests, as does the following comment that Varro took over the subjects which had been studied by Stilo.[15] As Rawson noted, we then know little of antiquarian research until the 50s B.C., though we do learn that Stilo's lectures

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12 Rawson did suggest (*ibid.*, 93) that antiquarian pursuits were more widely followed, noting the antiquarian activities of jurists and priests, mentioning of the latter the augurs Ap. Claudius Pulcher, L. Julius Caesar, M. Valerius Messala and Cicero, who all wrote on augury: as she noted others, who were not priests, also wrote works on augural and pontifical lore, including Q. Veranius, Granius Flaccus and others.

13 E.g. Henry, *art. cit.* (n.6), 960; Schanz-Hosius §76a. Stilo is first in Suetonius' list of *grammatici* (*Gramm.* 3).

14 Cic., *De Or.* 1.43.193. For Fronto and Gellius, Stilo was best known as an 'editor' of literary texts: *Ad M. Caes.* 1.7.4 (p. 15 v.d.H.²); *NA* 3.3; cf. *LL* 7.2.

15 *LL* 7.2; Fest., 141 *molucrum*; Cic., *Legg.* 2.23.59; Fest., 290 *sonticum morbum*. Reitzenstein, *Verrianische*, 88-92, identified several other traces of Aelian scholarship in Verrius Flaccus' *De Verborum Significatu*. Cic., *Brutus* 205.

were attended by both Cicero and Varro.[16] Unfortunately we know very little of the work(s) of Stilo's contemporary, Q. Valerius Soranus. The elder Pliny mentions the title 'Επoπτίδες and suggests that the work may have had similarities with his own *Naturalis Historia*, while in Cicero's *De Oratore* Soranus is described as *litteratissimus* of the Romans, and indeed he provides some grammatical and antiquarian information to Varro.[17]

ii) L. Cincius

We also know of the antiquarian work of one L. Cincius, whom modern consensus distinguishes from the annalist, L. Cincius Alimentus, who was active at the end of the third century B.C. The antiquarian Cincius seems to have written mainly on the public law of Rome, either in the late Republic (perhaps before Varro) or in the Augustan period: his date cannot be fixed precisely, although he probably precedes Verrius Flaccus, for Festus preserves much from Cincius' *De Verbis Priscis* and also fragments from the works *De Comitiis*, *De Consulum Potestate*, *De Officio Iurisconsulti* and *Mystagogica*, the last perhaps a work on the temples of Rome.[18] Gellius mentions a work *De Re Militari*, and a *De Fastis* is mentioned by Macrobius and Lydus: all subjects of interest to the antiquarian scholar such as Cincius seems to have been. Livy mentions Cincius' use of documentary and archaeological evidence, and Rawson characterised the *De Re Militari* as "the work of a *grammaticus* and antiquarian, and perhaps not meant to be useful."[19]

iii) Cicero

Cicero finds a place here not as an antiquarian (which he was not), but as one who made significant use of antiquarian material. I have already mentioned his praise for Varro's *Antiquitates*, and his regard for Varro's scholarship recurs several times. Indeed, Dahlmann describes Cicero as the leader of the chorus of

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16 Rawson, *Intellectual Life*, 235. Cic., *Brutus* 207; *NA* 16.8.2.

17 Pliny, *NH* Pref. 32; Cic., *De Or.* 3.11.43; Varro, *LL* 7.31, 65; 10.70; *ap. NA* 2.10.3; *ap.* Serv., *Aen.* 1.277; cf. Schanz-Hosius §62. In Cicero's *Brutus* (169) he is *doctus et graecis litteris et latinis.*

18 Cf. Schanz-Hosius §64.2; *HRR* 1, CIV-CXII. Gellius associates Cincius with Aelius Stilo and Santra (*NA* 7.15.5). Charisius (*GLK* 1.132, 30) relates him to Varro and Cicero. On Cincius in Festus cf. Strzelecki, *Verrianae*, 57f.

19 *NA* 16.4; Macrob., *Sat.*, 1.12.12, 18, 30; Lydus, *Mens.* 4.22 p.80W; 64 p.118W etc.; Livy 7.3.5-7 (cf. Fest. 363 *trientem tertium*). Rawson, *Intellectual Life*, 217 n.15.

the admirers of Varro's Roman *doctrina*. When Cicero, in connection with the writing of the *De Re Publica*, asks Atticus for access to his library, he asks specifically for the works of Varro, no doubt intending the *Antiquitates*.[20]

Of Cicero's own works, the most important here are undoubtedly the *De Re Publica* and the *De Legibus,* which, though conceived on the basis of Plato's homonymous works, represent a notable fund of antiquarian material, much of which probably came from Varro, and perhaps also from Atticus. Unfortunately neither work survives in its entirety and the existing parts are often lacunose. Both works are a remarkable blend of antiquarian details and political theory, but it is important to remember that Cicero aimed to contribute to ancient political theory, not to antiquarian writing on the Roman state. It is the use, in both works, of the history and organisation of the Roman state as the starting point of the discussion of the ideal state and its laws, which accounts for Cicero's recourse to antiquarian scholarship: at an early stage in the *De Re Publica*, Scipio is made to emphasise Cicero's independence of his Greek models in the expression of dissatisfaction with works on the subject written by the "summi ex Graecia sapientissimique homines".[21]

It is most unlikely that Cicero would have seen himself as an antiquarian writer: an essential feature of antiquarian writing was its lack of literary pretension - we need recall only that Quintilian saw Varro as contributing more to learning than to eloquence - and Rawson was undoubtedly correct to realise that the reason for Cicero's writing neither a history nor an antiquarian work was

> that, in the state of annalistic history on the one hand, and antiquarian research on the other, an intelligent man reared on the best Greek historical traditions, but unwilling to devote his whole life to research, could simply not approach a connected history of early Rome. It was only possible to do one of two things; either to drop scholarly standards and follow either the

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20 H. Dahlmann, 'Zu Varros antiquarisch-historischen Werken, besonders den antiquitates rerum Humanarum et Divinarum', *Congr. Stud. Varr.*, 163-176, p. 166; Cic., *Att.* 4.14.1. Cf. the fragment preserved by Augustine (*CD* 6.2), where he calls Varro "homo omnium facile acutissimus et sine ulla dubitatione doctissimus".

21 Cic., *Rep.* 1.22.36; cf. *Legg.* 2.7.17, where Quintus Cicero agrees that it would be insufficient simply to translate Plato's ideas into Latin. Note, however, the guarded reverence for Plato which appears here and, more openly, elsewhere (e.g. *Rep.* 2.11.21; *Legg.* 23.1.1.). On Rome as the nearest example to Cicero's ideal state, cf. *Rep.* 1.46.70; 2.39.66; *Legg.* 2.10.23 (note particularly Cicero's comment that 'if I happen to propose laws today, which have never existed in our state, yet they will still have been part of the *mos maiorum*, which had the force of law then'); 3.5.12; etc.

> naive and out-of-date early annalists, or the largely frivolous later ones ...; or else to give up all attempt at moral and political teaching, and at literary form, to concentrate on points of detail ... But Cicero was too much and too little of a scholar to do either.

Antiquarian research and antiquarian writing were beneath Cicero's dignity. Yet his interest in antiquarian matters seems never to have faded: Rawson noted that "he never, in fact, again gets so deeply entangled in the study of antiquity as in the *De Re Publica*, but for the rest of his life he finds it a fascinating sideline", as is evidenced by an almost omnipresent feeling for the past. Thus Cicero finds Athens haunted for him by the great figures of the past and we know also of his excitement at discovering the tomb of Archimedes at Syracuse.[22] Roman antiquarian writers seem usually to have been particularly reticent about their own contribution to scholarship: perhaps this is another reason why Cicero would not fit easily among them.

So, despite the importance of Cicero's *De Re Publica*, it is important to remember that this work was "de optimo civitatis statu et de optimo cive" and, therefore, of a different genre to that of the antiquarians.[23] Yet is interesting to note that Varro also seems to have had thoughts on what constitutes a good ruler. It would have been interesting to know more of Suetonius' (lost) work on Cicero's *De Re Publica*: we may note that there are echoes in the *vitae Caesarum* of Cicero's insistence in Book 2 of the *De Re Publica* on the *sapientia* and *virtus* of the kings as benefits for the state.[24]

iv) Nigidius Figulus

Varro did not go without rivals. In Gellius' *Noctes Atticae* he is often named together with his contemporary P. Nigidius Figulus (praetor in 58 B.C.), "homo ut ego arbitror, iuxta M. Varronem doctissimus", although, as Gellius notes, Nigidius is now less well known. The surviving fragments suggest that Nigidius was mainly concerned with religion: Boissier was clearly wrong to suggest of Varro that "dans la théologie, personne ne pouvait lui s'être comparé" for a great number of works on religion were being written at about the same

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22 Quint., *Inst.* 10.1.95 (cf. August., *CD* 6.2). Rawson, 'Cicero', 43, 35. Athens: *De Or.* 3.11.43; *Fin.* 5.1.2-5. Syracuse: *Tusc.* 5.23.64ff.

23 Cic., *Ad Q. Fr.* 3.5.1. Cf. *Rep.* 1.20.33 where Laelius suggests that they discuss "eas artis quae efficiant ut usui civitati simus".

24 Cf. Boissier, *Varron*, 116f. Suetonius, p. 281 Roth; cf. Wallace-Hadrill, *Suetonius*, 43 n.22. Compare., e.g. *Aug.* 3.2: 51 with *Rep.* 2.11.21.

time not just by scholars, but also by jurists and statesmen.[25] We know of several works by Nigidius, including ones *De Dis*, *De Augurio Privato*, *De Extis*, and *De Somniis*, the latter three, perhaps parts of a work on divination; Gellius tells us of *Commentarii Grammatici* (in at least 29 books) and another work, apparently *De Gestu*, is suggested by Quintilian; presumably it dealt with the use of gestures in oratory, though it should be noted that what Quintilian preserves from it is a note on how the *veteres* wore the toga, revealing the common antiquarian fascination with dress.[26] It seems unfortunate that we do not know more of Nigidius Figulus.

v) Grammarians and others

A mark of the importance of Varro is our scant knowledge of other scholars of the late first century B.C. Suetonius mentions a number of the *clari professores* of the period in his *De Grammaticis et Rhetoribus* among whom we would not expect to find Varro: his name appears only when Suetonius, as an example of the arrogance of Q. Remmius Palaemon, notes that the latter called Varro 'a pig'.[27]

Of the grammarians and rhetoricians mentioned by Suetonius, I should mention at least the following. Aurelius Opillus' *Musae* is mentioned by Gellius for an alternative explanation of the word *indutiae* to that presented by Varro in the *Res Humanae*, and he is characterised by Suetonius as writing *variae eruditionis aliquot volumina*.[28] From a note in Macrobius, Peter suggested an antiquarian work of Cornelius Epicadus, a freedman of Sulla: a note from Varro, which suggests that Epicadus discussed the history of the Lacus Curtius in the Forum, would tend to support Peter's view, though the work might have been a periegesis of Rome (which would not exclude antiquarian information).[29] Little

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25 *NA* 4.9.1. Cf. 4.16.1; 5.21.6; 19.14.1-3. Cf. also Lydus, *Ost.* 10; Serv., *Georg.* 1.19; *Aen.* 10.175 and Lucan, *De Bello Civ.* 1.639ff. Boissier, *Varron*, 193.

26 *NA* 10.5; Quint., *Inst.* 11.3.143. For the other testimonia cf. Schanz-Hosius §181 and Swoboda's edition of the fragments: *P. Nigidii Figuli Operum reliquiae collegit emendavit enarravit Quaestiones Nigidianas praemisit Antonius Swoboda* (Vienna-Prague, 1889, repr. Amsterdam, 1964).

27 Suet., *Gramm.* 4, 23.

28 *NA* 1.25.17; Suet., *Gramm.* 6. Opillus also appears several times in Charisius and in what remains of Verrius Flaccus' *De Verborum Significatu*. Cf. Schanz-Hosius §195.

29 Macrob., *Sat.* 1.11.47; Peter, *HRR* 1, CCLXXI n.1; *LL* 5.150. Cf. also *LL* 7.39; Serv., *Aen.* 1.649. Charisius, *GLK* 1.110, 3 mentions a work *De Cognominibus*, a subject which recurs in the works of antiquarians. Cf. Reitzenstein, *Verrianische*, 23-25 and Strzelecki, *Verrianae*, 43f., reporting the suggestion that Varro may have written a work *De Praenominibus et Cognominibus*.

is known of Tiro's works, though as Gellius points out, the title of his Πανδέκται suggests encyclopaedic coverage. Suetonius reports the Augustan jurist and antiquarian, Ateius Capito's judgement of L. Ateius Praetextatus Philologus as 'a rhetorician among grammarians and a grammarian among rhetoricians'; but Suetonius has to report that few of his works survive. Indeed Suetonius relies on a letter of Philologus for the information that he wrote a miscellany entitled Ὕλη in 800 books. This may be the *Silvae* which Gellius mentions in his preface, and may be the source for some of the information in Festus attributed simply to 'Ateius'.[30] The shadowy figure of Santra appears in Suetonius only as praising the work of Curtius Nicias on Lucilius, though modern opinion suggests that he should be included among the *grammatici*, either of this period or of the Augustan era. From Festus and others we hear of Santra's work *De Antiquitate Verborum*, while Jerome, in the preface to his *De Viris Illustribus* places Santra with Nepos, Varro and Hyginus as an early biographer at Rome. Given the company of Varro and (perhaps) Santra, one wonders whether the considerable antiquarian material in Suetonius reflects the latter's own interests or a more established element of Latin biography. I should mention here also the works *De Origine Verborum et Vocabulorum* and *De Diis* of Gavius Bassus, the commentary on the *carmina Saliaria* of one Sabidius (whose date is, however, uncertain), the *De Etymis Deorum* of Cornificius Longus, Aelius Gallus, who appears on numerous occasions in Festus, who also mentions the work *De Senatu Habendo* of one Nicostratus.[31]

It will be noticed that among these works are several on religious matters: I have already mentioned the boom in production of such works in the late Republic and Augustan period, but should note here in particular the works of the augur M. Valerius Messala (consul in 53 B.C.), which were widely used by Verrius Flaccus.[32] As Rawson noted, "it is perhaps strange that we know so little about the numerous first-century works on augury" written by both augurs and laymen (the latter including Varro), "but the fragments we have of the augural works are strongly antiquarian". Given these antiquarian tendencies, we should be surprised neither by Messala's *volumina De Familiis* (apparently a

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30 *NA* 13.9.3; Suet., *Gramm.* 10; *NA* Pref. 6.
31 For the testimonia cf. Schanz-Hosius §196. Cf. also Reitzenstein, *Verrianische*, 87f.
32 Cf. Rawson, *Intellectual Life*, 93, 298-316 and Schanz-Hosius, §§200f.

collection of family histories - attested by the elder Pliny) nor to find Cicero describing the augur Appius Claudius Pulcher (consul in 54 B.C.) as 'an expert on augural law and the whole public law, and on *nostra antiquitas*'. Appius' work *De Augurale Disciplinae* is cited by Verrius Flaccus, but we do not know if his knowledge of the *ius publicum* and *nostra antiquitas* found written expression.[33]

vi) Atticus and Nepos

Strzelecki suggests that, besides the works on augury, Verrius Flaccus also made use of Messala's *volumina De Familiis*: there was something of a spate of such accounts of the histories of selected Roman *gentes* in the late Republic. Varro's *De Familiis Troianis* and *Imagines* (also called *Hebdomades*) are part of this, though the closest parallel to the *Imagines* is the series of statues erected by Augustus in his Forum. Varro's *Imagines* apparently consisted of 700 portraits of men from Rome's past, together with a thumb-nail sketch in verse of their achievements (as was also provided for the Augustan statues). Pliny refers to a work by Atticus entitled *Imagines*, and on the reasonable assumption that Nepos, in his biography of Atticus, is also referring to this work, rather than a collection of statues, it appears that Atticus' *Imagines* were compiled along the same lines as Varro's:

> he wrote in verse about those who stood out from the rest of the Roman people by their distinction and the importance of their actions, describing their deeds and magistracies in no more than four or five lines under the portraits of each.[34]

Millar has laid some emphasis on the scholarly activities of Atticus (109 - 32 B.C.), which perhaps appear most clearly in Nepos' description of Atticus' devotion to *antiquitas* and the *mos maiorum*, as represented in *eo volumine ... quo magistratus ordinavit* (surely the *Liber Annalis*), in which, according to Nepos, Atticus recorded all the laws, peace treaties, wars and illustrious deeds of the Roman people, though here again we return to family histories, for Nepos adds that several genealogies were included. This undoubtedly has an

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33 Rawson, *Intellectual Life*, 302; *NH* 7.53.173; 34.38.137; 35.2.8 and the indices to these books; Fest., 297 *sonivium*; 298 *sollistimum*; Cic., *Brutus* 267.

34 Strzelecki, *Verrianae*, 28f. On Varro's *Imagines* cf. *NA* 3.10; 3.11; *NH* 35.11; Lydus, *Magg.* 1.12; Rawson, *Intellectual Life*, 198f. On Atticus' *Imagines* cf. Nepos, *Att.* 18.5f.; *NH* 35.11. On biography cf. Rawson, *Intellectual Life*, 229-232.

antiquarian aspect to it, though the apparently limited (to one *liber*) size of the work suggests that much of the detail, characteristic of antiquarianism must have been absent. But we should not deny Atticus any antiquarian interests: his library seems to have contained a number of Varro's works and it is worth remembering that Atticus' father was the dedicatee of Junius Gracchanus' *De Potestatibus*. Besides the *Imagines* and the *Liber Annalis*, Nepos also mentions the monographs by Atticus on the *gentes Junii*, *Claudii Marcelli*, *Cornelii*, *Fabii* and *Aemilii*, and gives some indication of their scope: 'he listed the Junii from their origin to the present, noting the parentage of each of them, the offices held and their dates'.[35] Cicero noted the inaccuracy and even falsification which seem to have formed almost an inherent part of the *mortuorum laudationes* preserved by most families; unfortunately, we do not know whether Atticus heeded Cicero's warning, and researched the histories of the families concerned independently of these family archives, rather than merely adding an air of legitimacy to the claims made in them. The common opinion is that they did not, and indeed it is difficult to see how they could have avoided the distorted material in the family archives: Gellius turned to *laudationes funebrae* and a *commentarius de familia Porcia* for his article on the Porcii Catones, and it is worth noting that Nepos suggests that Atticus was commissioned to write his accounts by representatives of the families. Yet Livy's detection of the fabrications regarding the Licinii in Licinius Macer's *Annales* suggests that the question should remain open: 'the strained praise of his own family makes Licinius a rather unreliable writer, since I find no mention of the subject in the older annalists.'[36]

Given that Nepos presents Atticus' antiquarian interests favourably, we may wonder whether we can suggest similar interests on his own part. But unlike others, whom we may characterise as antiquarians, there is for Nepos little outside testimony for his scholarship, which suggests that we should be cautious in allotting him any strong antiquarian interests: indeed the elder Pliny criticises Nepos for being uncritical.[37] Rather, his interests seem to have lain in areas not

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35 F. Millar, 'Cornelius Nepos, 'Atticus' and the Roman Revolution', *G&R* 35 (1988), 40-55; Nepos, *Att.* 18.1-3. Cf. Cic., *Legg.* 3.20.48.

36 Cic., *Brutus* 62; *NA* 13.20; Livy 7.9.5. Cf. also *NH* 35.2.6-8.

37 *NH* 5.1.4.

directly connected with the antiquarian tradition, although given the polymathy of many antiquarians, we should beware of drawing too fine a distinction. It may be useful to digress briefly on Cornelius Nepos (c.99 - c.24 B.C.) and exemplary history, at least to illustrate what antiquarianism was not.

Maslakov, who overstresses the moralising of the Roman antiquarians, draws an interesting distinction between 'rhetorical *exempla*', which he sees as characterised by "a greater remoteness or abstraction from the historical events recalled" and "*exempla* that were inspired by direct contact with primary documents", though he probably connects the latter too closely to the antiquarian tradition. The *exempla* tradition should be seen as a parallel development to the antiquarian tradition: both contrast with historiography in that they need not present a chronological account; but while *exempla* are (as the name suggests) morally exhortative, the main aim of antiquarianism seems to have been to identify and explain the development of institutions.[38]

Besides the geographical treatise, which Pliny criticises, we know of Nepos' chronological researches, which found expression in three books of *Chronica*, his biographical work, the *De Viris Illustribus* (also some fuller biographies), and a collection of *Exempla*. The latter were drawn upon by at least Valerius Maximus, Pliny, Suetonius and Gellius: in general, however, the *exempla* tradition is to be distinguished from the antiquarian tradition, for its aims were different; *exempla* are clearly intended to be edifying; and in this respect they seem to be more closely related to historiography than does antiquarianism. In contrast, the principal aim of antiquarian scholarship was merely to inform; that it could also serve a political purpose is to a large extent incidental, and reflects the interests of those who so used its results, as much as, if not more than, it does those of the antiquarians themselves. Nepos' biographical work, on the other hand, seems intended to serve a political purpose: a strong moralising element has long been detected in what remains of Nepos' *De Viris Illustribus* (that is, the book *de excellentibus ducibus exterarum gentium*, and two lives from the book *de historicis latinis*), which would almost give the *Lives* the

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38 G. Maslakov, 'Valerius Maximus and Roman Historiography. A Study of the exempla Tradition', *ANRW* 32.1 (1984), 437-496, pp.441-444. Cf. *id.*, 'The Roman Antiquarian Tradition in Late Antiquity' in B. Croke & A.M. Emmett (eds.), *History and Historians in Late Antiquity* (Sydney, 1983), 100-106.

character of *exempla*, and would in itself distinguish them from the works of the antiquarians. Moreover, Geiger and Dionisotti have suggested that we should not regard Nepos' purpose in his accounts of foreign generals as a moralising one, but as overtly political.[39]

In the antiquarian tradition, by contrast, even where we may detect some sort of political purpose, there is very little evidence that the antiquarian scholars of Rome drew their exemplifications from beyond the sphere of the Roman past. This may well be due partly to the influence of Varro, the Romano-centricity of whose *Antiquitates* we shall see, but to a large extent reflects the role of antiquarianism at Rome in seeking out the origins of Rome's various institutions and customs, and in determining precedents from Roman history, rather than suggesting innovations or promoting change.

vii) The jurists

Of the literature of the jurists in the late Republic we know remarkably little, as is made clear by the relevant section of Schulz's *Roman Legal Science*, though a more positive picture was presented by Rawson.[40] It is furthermore remarkable that most of what we know is relevant here (that is, it is antiquarian), though obviously we have little idea of how representative this material is: Schulz would deny that it is. The least likely to be representative is the work *De Significatione Verborum, quae ad ius pertinent* of C. Aelius Gallus, which is used by Gellius to ascertain the meaning of *vestibulum*, and which is cited by title on five occasions in Festus: it is no doubt the work used on the numerous other occasions when the name of Aelius Gallus appears in the *De Verborum Significatu*.[41]

Gellius has to turn elsewhere for the etymology of *vestibulum*, and it appears from all the other fragments that Aelius Gallus' work presented the meanings of words without indulging in the etymological ingenuity which is found elsewhere. This is not, however, the case for other juristic literature: Gellius

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39 A.C. Dionisotti, 'Nepos and the Generals', *JRS* 78 (1988), 35-49; J. Geiger, *Cornelius Nepos and Ancient Political Biography* (Stuttgart, 1985).

40 Schulz, *RLS*, 87-98; Rawson, *Intellectual Life*, 201-214.

41 *NA* 16.5.3. Cf. Reitzenstein, *Verrianische*, 27, 81-87. Another fragment is preserved in the *Digest* (50.16.157).

rejects an etymology (of *testamentum*) suggested by the jurist Servius Sulpicius Rufus (consul in 51 B.C.), and as Rawson noted "numerous other examples of lawyers making use of grammatical procedures and grammatical learning could be adduced." Gellius has this extract from Servius Sulpicius' work *De Sacris Detestandis* (not a work on religion: *sacrorum detestatio* was part of the process of adoption, about which Gellius has much to say), and he also refers elsewhere to his works on dowries and of criticisms of Q. Mucius Scaevola.[42] A commentary on the Twelve Tables is presumed from a comment in the Digest and from the material preserved in Festus: as Rawson noted, "such works, by the first century were bound to be primarily antiquarian; and so, entirely must have been his essay 'On leaving the table', which dealt with old Roman customs and superstitions."[43]

The jurist P. Alfenus Varus (consul in 39 B.C. and a student of Servius Sulpicius) is characterised in the *Noctes Atticae* as "rerum antiquarum non incuriosus", though Gellius is again critical of the views (on the language of a treaty with Carthage) presented. Gellius also refers to the *Historiae* of Q. Aelius Tubero (the prosecutor of Ligarius in 46 B.C.), though he seems to have been better known as a jurist: this may have had something to do with the archaic style in which he seems to have written.[44] Clearly, however, he wrote on Rome's political institutions: Pomponius calls him *doctissimus iuris publici et privati* and Gellius has information from him on the 'Servian Constitution', as well as attesting his work on the senate.[45] We should mention also C. Trebatius Testa (correspondent of Cicero and dedicatee of the latter's *Topica*), whose *De Religionibus* appears once in the *Noctes Atticae* (to be criticised by Gellius for an etymology of *sacellum*) and frequently in Macrobius.[46]

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42 *NA* 7.12.1-3; Rawson, *Intellectual Life*, 211; *NA* 4.3; 4.4; 4.1.20; 4.2.12.

43 *D.* 50.16.237. On Servius Sulpicius in Verrius Flaccus/Festus cf. Reitzenstein, *Verrianische*, 85-87. Rawson, *ibid.*; the *commentatio quamobrem mensa linquenda non sit* is mentioned by Pliny, *NH* 28.5.26.

44 Alfenus: *NA* 7.5. Histories: 7.3; 7.4; 10.28. Juristic and forensic activity: *D.* 1.2.2.46. Archaism: *NA* 6.9.11.

45 *D.* 1.2.2.46; *NA* 10.28; 14.7.13; 14.8.2. Gellius turned to his *praecepta super officio iudicis* for instruction on the duties of a judge (*NA* 14.2.20).

46 *NA* 7.12.4-6; Macrob., *Sat.* 1.16.28; 3.3.2; 3.3.4f.; 3.5.1; 3.7.8. Work on the aedilician edict is mentioned at *NA* 4.2.9f.

viii) The historians

C. Licinius Macer is credited with having re-introduced antiquarianism into historiography proper in the middle of the first century B.C., when, in his *Annales*, he had questioned and sought to 'correct' the annalistic tradition, citing documents as Livy records: it may be significant that Cicero criticises only Macer's literary style.[47] It is difficult to assess the antiquarian element in much of the historiography of the first century B.C., since many works are now lost. There are, however, traces of antiquarianism to be found in the fragments, though of course these fragments may be from 'antiquarian digressions'. For example, too little is known of the *Annales* (?) of Valerius Antias (*fl.* around 80 B.C.) to reach any firm verdict, though he does seem to have had something to say on the political and religious institutions of Romulus and Numa, although this would have been an unavoidable subject when dealing with the early regal period.[48] A work by one Procilius (possibly tribune in 56 B.C.) was used by Varro, the elder Pliny and [Ps. Asconius], and from what little they preserve "es scheint mehr antiquarische als historische Charakter gehabt zu haben".[49] Fenestella, a younger contemporary of Livy and apparently writing under Tiberius, seems to have continued in Macer's footsteps, perhaps going still further down the antiquarian road. Most of the extant fragments of Fenestella's *Annales* seem to deal mainly with items of interest to the antiquarian: *provocatio*, the calendar, etymology (of quaestor), festivals and games, modes of dress, and so on. How far this is the accident of tradition we cannot gauge, though it is probably significant that Lactantius ranks Fenestella alongside Varro as *diligentissimus scriptor*.[50] As I have now strayed beyond the first century B.C., we may note that there seems always to have been a tendency on the part of historians to include antiquarian material, usually 'relegated' to digressions: Tacitus and Dio may serve as examples.

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47 Schanz-Hosius §112.3. Livy 4.7.12; 4.20.8; 4.23.2 Cf. R.M. Ogilvie, 'Livy, Licinius Macer and the *libri lintei*', *JRS* 48 (1958), 40-46; Cic., *Brutus* 238; Val. Max. 9.12. 7; Plut., *Cicero* 9.2. Cicero's criticism: *Legg.* 1.2.7.

48 Cf. Schanz-Hosius §112.2.

49 Schanz-Hosius §112.5, citing F. Münzer, *Beiträge zur Quellenkritik der Naturgeschichte des Plinius* (Berlin, 1897), 166 as suggesting that Procilius' work may have been some form of periegesis of the city of Rome.

50 Schanz-Hosius §425. *IIRR* 2.79-87. Note the lengthy, if rather inconclusive, discussion of *provocatio* by Cicero, *Rep.* 2.31.53f. Lactant., *De Ira Dei* 22.5; *Div. Inst.* 1.6.14. The curiosities contained in Fenestella's work makes it no surprise that he was a source for the Elder Pliny.

c) The Augustan Period

The Augustan period seems to have seen something of a stimulus applied to antiquarianism, the practitioners of which seem to have devoted much energy to establishing precedents for the various institutions (such as tribunician power, a subject which recurs in much antiquarian writing), on which the Principate as established by Augustus rested.

Yet only one work from the antiquarian scholars of this period survives in sufficient entirety (and then only in later epitomes) to reward study: the *De Verborum Significatu* of Verrius Flaccus; of the works of other scholars of the period we have only fragments preserved in later writers.[51] As Momigliano noted (specifically of the *Res Divinae*, though the point is applicable to all Varronian learning), "no doubt Varro's doctrine was gratefully used in Augustus' circles, although we know far less about this than we should like." Momigliano went on to point out an essential difference between the late Republic and the Augustan period:

> "the men who represented the new age were neither scholars like Varro nor philosophers like Cicero: they were poets - Horace, Virgil, Propertius, Ovid, Manilius .... Next there were the historians ... the lawyers ... come third, the pure antiquarians (such as Verrius Flaccus) are fourth.[52]

To a certain extent this is true, but Momigliano's picture is surely unbalanced by the better preservation of the works of the poets, as compared to those of the lawyers and antiquarians. Furthermore, we should be careful not to establish too firm a distinction between the works of the jurists and those of the antiquarians. The two most important figures in this period are, for my purposes, Verrius Flaccus and the jurist Ateius Capito. But first I should mention the names of some other scholars of this period, for it is clear that Verrius and Capito were far from being alone in the pursuit of antiquarianism.

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51 For the exclusion from our discussion of Valerius Maximus, cf. the comments above regarding the *Exempla* of Cornelius Nepos. There is antiquarian material in Valerius Maximus; but that, e.g., the *NA* contain *exempla* is not an argument for the inclusion of *exempla* in the antiquarian tradition, since Gellius' work is far from being a purely antiquarian one.

52 A.D. Momigliano, 'The Theological Efforts of the Roman Upper Classes in the First Century B.C.', *CPh* 79 (1984), 199-211, pp. 210f.

Following the order of Momigliano's 'league-table' just mentioned, we should note at the outset that the poets and historians were not uninfluenced by antiquarianism, though to explore the full ramifications of this would exceed the bounds of the present work: Ovid's *Fasti* are of particular note, as are the various antiquarian details to be found in Livy's work. As Maslakov has noted, "antiquarians form an indispensable historical background to the study of poetry, particularly that of the Augustan age."[53] The commentators on Vergil made much use of Varro, and it is clear that in antiquity Vergil himself was regarded as preserving antiquarian information: consider, for example, Gellius' description of Vergil as *multae antiquitatis peritus*.[54] Of the jurists, besides Capito, we should mention the highly esteemed M. Antistius Labeo (died c. A.D. 10), of whose more antiquarian works the following may be noted: a commentary on the Twelve Tables known from Gellius and a *De Iure Pontificio* cited by Verrius Flaccus, who also seems to have used the more strictly juristic works.[55] Gellius preserves from a letter of Ateius Capito the revealing comment that Labeo was 'extremely learned in the laws and *mores* of the Roman people and in the civil law', and 'even though Augustus was by then *princeps* and ruling the state, an excessive, even insane love of *libertas* led him to accept nothing as legal or sanctioned, unless he had read that it was so *in Romanis antiquitatibus*'. We should compare Pomponius, who tells us that Labeo refused the consulship which was offered to him by Augustus.[56] It is interesting to see that an opponent of the Principate could use the same materials in defence of his position, as those who supported the Principate - that is, the results of antiquarian research: there is surely a reference in the words *in Romanis antiquitatibus*, if not to Varro's *Antiquitates*, at least to works like it. It would seem then that the rivalry which Pomponius attests between Labeo and Capito was based on more than juristic differences.

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53 G. Maslakov, 'The Roman Antiquarian Tradition in Late Antiquity' (*art. cit.* [n.38]), 101.

54 *NA* 5.12.13. Cf. also 3.2.14-16.

55 *NA* 6.15.1; 1.12.18; 20.1.13. For Verrius' use of Labeo see the index to Müller's edition or Lindsay's Teubner; cf. also Strzelecki, *Verrianae*, 31-55 and Bona, *Verrio Flacco*, 52f. Bona suggests that Verrius may also have used the commentary on the twelve tables, though there is no evidence that the latter was "un' opera probabilmente lemmatica". Generally on the Augustan jurists cf. Schanz-Hosius §354.

56 *NA* 13.12.1f.; *D.* 1.2.2.47.

Of the scholars of the Augustan era, at least C. Julius Hyginus and Sinnius Capito dealt with some subjects of antiquarian interest. Hyginus was the freedman of Augustus placed in charge of the Palatine Library. As such he is representative of a trend identified by Peter for antiquarian studies to be pursued by learned freedmen rather than the old Roman elite, though this is true only of the early years of the Principate, perhaps while the elite were still adjusting to the changed circumstances. We know of Hyginus' works *De Familiis Troianis*, *De Origine et Situ Urbium Italicarum*, *De Proprietatibus Deorum* and *De Dis Penatibus*, together with four books on Vergil, a *De Agriculutura*, *Exempla*, *De Vita Rebusque Inlustrium Virorum* and others.[57] Gellius mentions *Epistulae* of Sinnius Capito, dealing with points of grammatical interest; and Verrius Flaccus made use of his *Libri Spectaculorum* as well as a work on proverbs. If we may trust Jerome, it would seem that Sinnius also wrote *De Antiquitatibus*, and a fragment preserved in the *Scholia Bobiensia* deals with *interrogare* in the senate. But it is possible that Sinnius Capito was confused with Ateius Capito.[58]

i) Ateius Capito

The jurist, C. Ateius Capito first appears in connection with the *ludi saeculares* of 17 B.C., when Augustus assigned to him the interpretation of the Sibylline Books: as Jörs noted, "er muß schon damals einen Ruf als Kenner des Sacralwesens gehabt haben." He must also have been a reliable adherent of Augustus and a man of some importance, and indeed Tacitus tells us that Augustus arranged a premature consulship for him. Capito held this suffect consulship in A.D. 5, and in A.D. 13 was appointed *curator aquarum*; two years later the control of the Tiber was placed in the hands of Ateius Capito and one L. Arruntius. Such is what is known of Capito's life.[59]

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57 Peter, *op. cit.* (n.1), 110f. On Hyginus cf. Schanz-Hosius, §§345f.

58 *NA* 5.20; 5.21.9-13. On Sinnius Capito in Verrius Flaccus cf. Bona, *Verrio Flacco*, 64-66, 69-83; Reitzenstein, *Verrianische*, 23, 88; M. Hertz, 'Die Sprichwortsammlung des Sinnius Capito', *Philologus* 1 (1846), 610-614; Lactantius also mentions the *Libri Spectaculorum* (*Div. Inst.* 6.20.35). On the *De Antiquitatibus*, cf. Jerome, *Hebr. Quaest. in Genes.* 10.4-5 (23, 1001 Migne); Schol. Bob. 170, 9 Stangl. Cf. Schanz-Hosius §353, which also notes a work on sacral terminology by Cloatius Verus.

59 Tac., *Ann.* 3.75. Cf. N. Horsfall, 'Labeo and Capito', *Historia* 23 (1974), 252-4. For the sources for Capito's life cf. *C. Atei Capitonis Fragmenta* (ed. W. Strzelecki) (Wroclaw, 1960), reprinted in the *Bibliotheca Teubneriana* (Leipzig, 1967), pp. 7-9 (pp. VII-IX in the latter); P. Jörs, 'Ateius', *RE* 2.1904-1910, coll. 1904f.; T. Frederking, 'Ateius Capito', *Philologus* 19 (1863), 650-664, pp. 650-652. The last is effectively a report by L. Mercklin on the work of Frederking, who had died before publishing his work on Capito.

Capito was an important source for Gellius, who characterises him as *publici privatique iuris peritissimus* and who cites him twelve times, and undoubtedly drew on his works on several further occasions: Capito may indeed lie behind many of Gellius' notes on the political and religious institutions of Rome. That Capito's works were of an antiquarian nature is confirmed both by the fragments and by the list of scholars who preserve them: Verrius Flaccus used Capito widely; he appears as a source for Books 3, 4, 14, 15 and 18 of Pliny's *Naturalis Historia*, for Plutarch in his *Quaestiones Romanae* and for Macrobius; in addition Suetonius seems to have read something by Capito (as had Frontinus). Capito also appears in the Servian commentary on Vergil and in Lydus' works *De Magistratibus* and *De Mensibus*, though it is unlikely that Servius and Lydus (and also perhaps Plutarch) used Capito's works directly. Strzelecki showed how much of the information on the *flamen Dialis* in Festus, Gellius and Plutarch (and hence I might add in the antiquarian tradition in general) could well derive from Ateius Capito.[60] Yet despite, on the one hand, this apparently widespread influence on the antiquarian tradition and, on the other hand, his position as the head of the *schola Cassiana* (the law school founded by Masurius Sabinus and/or C. Cassius Longinus), and hence the opposite number of Antistius Labeo, Ateius Capito remains a shadowy figure.[61]

As Frederking noted, it is surprising that, given his position, we know of no purely juristic work by Capito and that the compilers of the *Digest* did not use any of his works.[62] The vast majority of fragments deal with public and sacral law: the province of antiquarian scholars. Capito's *Coniectanea* (in at least nine books) are known only from Gellius, though despite the latter's inclusion of *Coniectanea* among the list of 'clever' titles in the preface to the *Noctes Atticae*, Frederking, Jörs and Strzelecki all - apparently rightly - warn against seeing Capito's work as a forerunner of the miscellany written by Gellius: 'man wird das Werk am richtigsten als Belege oder Sammlungen zum öffentlichen Recht

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60 *NA* 10.20.2. On Capito's *Nachleben* see Strzelecki's edition of the fragments of Capito, pp. 16-25 (XVIII-XXIX in the Teubner). On Capito in the *NH*, cf. Frederking, *art. cit.*, 658-664; in Verrius Flaccus, cf. the tabulated summaries of Reitzenstein, *Verrianische*, 53f., Strzelecki, *Verrianae*, 62, 29-42.

61 *D.* 1.2.2.47. On the school, cf. Schulz, *RLS*, 119f.

62 Frederking, *art. cit.*, 653. Besides his appearances in Pomponius' *Enchiridium* (*D.* 1.2.2.47), Capito is mentioned at *D.* 23.3.79.1 and 32.30.6 in extracts from Labeo's *Posteriores*, and 23.2.29 from Ulpian's work on the *lex Julia et Papia* reporting a decree issued by Capito when consul.

charakterisieren."[63] Such an interest in public law would seem untypical of surviving juristic literature, though it is characteristic of antiquarian scholarship. Each book of Capito's *Coniectanea* had its own title, of which Gellius mentions a book *de officio senatorio* and one *de iudiciis publicis*. The content of the other books remains largely unknown: Gellius does not tell us from which book(s) of the *Coniectanea* he has his information on the history of Rome's sumptuary legislation or that on the meaning of *siticines*, and he omits to mention the title of the work from which he reproduces Capito's distinction between *lex*, *plebisscitum*, *rogatio* and *privilegium*.[64] Similarly the one surviving fragment of what we presume was a collection of Capito's *Epistulae* (preserved, it almost goes without saying, by Gellius) gives no indication of a juristic content: again the subject matter is drawn from the public law: in this instance, the competence of the tribunate, a subject of particular interest to the antiquarians. Gellius again compares Varro, whom he quotes, stating that he had read this (*Res Humanae*, Book 21) after having read Capito's letter: whether or not Gellius is telling the truth, it seems likely that Gellius may have found a reference to Varro's work in the letter of Capito.

I have noted Capito's apparent expertise in sacral matters; and indeed the other known works all deal with religious matters and are also attested outside Gellius. Two fragments survive (one in Gellius, one in Festus) from a work *De Pontificio Iure*, which seems to have covered those aspects of Roman religion which were in the care of the *pontifices*. Strzelecki, on the evidence of these fragments, suggested with some plausibility that the work dealt with *feriae*, the obscure ceremonies regarding the *mundus*, the priesthoods and the Vestal Virgins, subjects which recur in the antiquarian tradition, as do the other subjects which Strzelecki argues Capito discussed in the *De Pontificio Iure*: wedding and funeral rites; the ceremonies imposed on the *flamen* and *flaminica Dialis*; the interpretation of portents and lightning; and other matters such as the wearing of rings and the calendar.[65] Macrobius mentions a work *De Iure Sacrificiorum*,

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63 Jörs, *art. cit.* (n.59), 1905; cf. Frederking, *ibid.*; Strzelecki's edition, 10f. (p.XI in the Teubner).

64 Bk. 4: *NA* 14.7; 14.8; 4.10; Bk. 9: *NA* 4.14; 10.6; *libri incerti*: *NA* 2.24; 20.2; *opus incertum*: *NA* 10.20. Cf. W. Strzelecki, 'Über die Coniectanea des Ateius Capito', *Hermes* 86 (1958), 246-50.

65 *NA* 4.6.10; Fest., 154 *mundus*; Strzelecki in his edition (above n.59), 12f (p.XIII in the Teubner), and cf. the references there.

which may have formed part of the *De Pontificio Iure*; and several glosses from the *De Verborum Significatu* of Verrius Flaccus may be connected with this work.[66] Two further glosses from the latter also suggest a work on augury.[67] In the absence of much juristic literature, it is not possible to say whether such works were within the purview of jurists as well as of antiquarians.

ii) Verrius Flaccus and Festus

Verrius Flaccus' *De Verborum Significatu*, a vast lexically arranged encyclopaedia, is the sole surviving work by an antiquarian writer of the Augustan period and is, therefore, of particular importance in the present work: for Peter, Verrius' work, even in the epitomes in which it has reached us, was indicative of "eine staunenswerte Gelehrsamkeit" in the fields of language and antiquarianism.[68] In view of this, and the conclusions which may be drawn from the construction of the work concerning the methods of a Roman scholar, no apologies are needed for the length of this section.[69]

According to Suetonius, Marcus Verrius Flaccus, another freedman, was a *grammaticus* who came to the notice of Augustus on account of the spirit of competition which he introduced into his classroom. Augustus employed Verrius Flaccus as tutor to his grandsons, and this is not the only indication of Verrius' support for the Principate. Suetonius mentions his redaction of what is known to modern scholarship as the *Fasti Praenestini*: although these date to

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66 Macrob., *Sat.* 3.10.3; Fest., 238 *porcam auream*; *propudialis*; 285 *rutilae canes*.

67 Fest., 351 *stellam*; *sinistrum*. There are many further glosses in the *De Verborum Significatu* on pontifical, sacrificial and augural matters which are not attributed to any author (Paulus usually omits all such references) and which may come originally from Capito. Equally they may not. For these see the 'Supplementum' in Strzelecki's edition.

68 Peter, *op. cit.* (n.1), 112.

69 The edition cited here is the revised one of K. O. Müller (Leipzig, 1880). This edition has formed the foundation for all subsequent Verrian scholarship and, by reproducing the layout of the manuscript of Festus, provides a more easily visible explanation of the considerable lacunae in the text than do the later editions of W. M. Lindsay: the first in the Teubner series (Leipzig, 1913); and the second in the fourth volume of *Glossaria Latina* (Paris, 1930), 71-467. The latter differs from Müller's edition and Lindsay's Teubner in that it seeks to reconstruct the text of Festus alone, taking account of medieval glossaries to fill the lacunae where possible and by subsuming the epitome of Paulus into a continuous text: a worthy venture, perhaps, but not with a result that is especially easy to use (above all it lacks an index). Where necessary, however, in the present work account has been taken of Lindsay's text of 1930. It should also be noted at this point that, in order to avoid cluttering the pages of this work, quotations from Festus generally do not distinguish between what may be read in the manuscript and what is conjectured.

A.D. 4-6, they should be compared with the erection in the Forum at Rome of the *Fasti Triumphales* and *Fasti Consulares* in 18-17 B.C. Millar has noted that the latter two clearly represent part of the 'institutionalisation' in the Augustan period of much of the results of the antiquarian research carried out in the late Republic:

> at all events the process of establishing fixed lists of *triumphatores* and consuls, and of freezing the official version on stone, was one which derived directly from the antiquarian obsessions of the late Republic.

And it can surely not be coincidence alone that 'Augustus' is the first word explained in Verrius' *De Verborum Significatu*. Of his work outside the classroom, besides the *Fasti Praenestini*, Suetonius mentions only a work *De Orthographia*. We know, however, of several other works: *De Obscuris Catonis, Res Memoria Dignae, Res Etruscae* (a subject apparently of more than passing interest in this period), *Res Sacrae* (probably: certainly at least a *libellus qui Saturnus inscribitur*); but he is undoubtedly best known for his *De Verborum Significatu*.[70]

While the *De Verborum Significatu* was not the first collection of glosses, we know very little of these earlier works, though, to understand the significance of that of Verrius, it is worth emphasising that they seem to have been limited in scope, probably to individual authors.[71] Verrius' work, on the other hand, was wider ranging and seems to have had more of the character of an encyclopaedia than a dictionary. As Nettleship noted, it covered a wide range of subjects:

> its contents embrace not only lexicographical matter, but information on points of history, antiquities and grammar, illustrated by numerous quotations from poets, jurists, historians, old legal documents and writers on religious or political antiquities.[72]

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70 Millar, *art. cit.* (n.35), 49; Suet., *Gramm.* 17, 19. For the other works, and more generally on Verrius cf. Schanz-Hosius §§340-341a. On other works of Etruscology cf., e.g., Schanz-Hosius §201.

71 A number of *libri glossarum* were already in existence, and were used by Verrius Flaccus and also by Varro: series of Catonian, Plautine and Ennian glosses have been detected in the *De Verborum Significatu*; and Santra's *De Verborum Antiquitate* and the *De Significatione Verborum quae ad ius civile pertinent* of Aelius Gallus, both appear in the remnants of Verrius' work. E.g. Fest., 166 *naucum* refers to *glossematorum scriptores*; 181 *ocrem* to a *liber glossematorum* of Aelius Philologus; Varro, *LL* 7.34 to *glossemata interpretatores* and 7.10 to those *qui glossas scripserunt*.

72 H. Nettleship, 'Verrius Flaccus I' in *Lectures and Essays on subjects connected with Latin Literature and Scholarship* (Oxford, 1885), 201-221, 205f. This and its companion paper, 'Verrius Flaccus II' (*ibid.*, 222-247) would seem to represent the only notable contribution in English on Verrius Flaccus.

Before considering the *De Verborum Significatu* in more detail, I should stress that the work of Verrius Flaccus does not survive, but is preserved in the epitome of it made in the second century A.D. by one Sextus Pompeius Festus, of whom we know little beyond what he himself says (which is negligible). Unfortunately, Festus' epitome itself survives in one manuscript only, which is furthermore badly damaged by fire: what we have begins about a third of the way through the letter M and ends at a point near the conclusion of V, though throughout the lacunae are sufficiently considerable for what survives to be aptly described as fragmentary. We are then fortunate that in the late eighth century Paulus Diaconus, perhaps best known for his *Historia Langobardum*, dedicated to Charlemagne *Excerpta ex Libris Pompeii Festi De Significatione Verborum.*[73]

Thus we effectively only have an extremely indirect and abbreviated version of Verrius Flaccus' *De Verborum Significatu*, and the picture is further complicated by the possibility of additions and omissions made by Festus and by Paulus. Comparison of Paulus' notes with those of Festus (where available) shows how savage and wide-spread was Paulus' editing: not only are Festus' discussions reduced to only a few words, but numerous lemmata have also been completely excised. On the other hand, additions by Paulus are very few and unimportant.[74]

There are also several indications that much was suppressed by Festus: Gellius' quotations from the *De Verborum Significatu*, for instance, are not preserved by Festus or Paulus.[75] Moreover, we know that in Verrius Flaccus' work each letter of the alphabet occupied several books: Gellius tells us that the letter A comprised at least four books and Festus that the letter P comprised at least five books; clearly Festus reduced these to, approximately, one book per letter, for Paulus notes in his preface that Festus *opus suum ad viginti usque*

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73 On the transmission of the *De Verborum Significatu* cf. L.D. Reynolds (ed.), *Texts and Transmission: a Survey of the Latin Classics* (Oxford, 1983), 162-164 and Reitzenstein, *Verrianische*, 'Anhang I', pp. 97-100. On Paulus cf. M. Manitius, *Geschichte der lateinischen Literatur des Mittelalters* (Munich, 1911), 1.257-272.

74 On the relationship of Paulus to Festus cf. Müller, pref. XXXIIf. and Strzelecki, *Verrianae*, 3-23.

75 *NA* 5.17 on the meaning of *atri dies* (Lindsay, *Gloss. Lat.* p.99 prints this *s.v. Aliesis dies* [=p.7M]); 5.18 on the difference between *annales* and *historia*; 16.14 for an etymology of *festinare* (which Gellius rejects); 18.7.5-8 on the usage of *contio* (printed by Lindsay, *Gloss. Lat.* p.172 *s.v. contio* [=p.66M *s.v. concio*], though Gellius does not mention the definition preserved there by Paulus).

prolixa volumina extendit.[76] In addition, although we do not have Festus' preface, we do know something of his *modus operandi*, for Festus' dissatisfaction with what Verrius had written surfaces on one significant occasion when he explains that he feels that it is quite unnecessary to refute Verrius' view, either in the case in point or in the many other similar cases,

> since I have decided to omit the dead and buried words, which occur in that vast number of his books (words which Verrius himself often admits lack utility or authority), and to edit the rest as briefly as possible into as few books as possible.

He adds, incidentally, that what he disagrees with may in any case be found in his work entitled *Verba Prisca cum exemplis*, of which we know nothing beyond its (proposed?) title. Another indignant outburst on the part of Festus provides an example of his applying this method: of the word *satis*, he says only that in his view it would have been better had Verrius Flaccus omitted the word, rather than give 'such absurd opinions' on it, which he refuses to retail, mentioning also that for the same reason he has omitted from his work the word *scaber*, which followed *satis* in Verrius' text.[77]

Such is the picture of Festus' omissions. Müller believed that the additions made by Festus were as considerable as his omissions, suggesting that he collated and added material from other sources, including other works of Verrius Flaccus. Yet given Festus' avowed intention to reduce the large number of books in Verrius' *De Verborum Significatu* to as few as possible, it is unlikely that he would have added much of his own. Nettleship, apparently only on instinct, was "disposed to think" that what Müller identified as Festus' additions were part of the original work, and the studies of Reitzenstein, Strzelecki and Bona have confirmed Nettleship's feelings: as Reitzenstein noted, Festus' own utterances

> zeigen nirgends mehr als ein seichtes, billiges Wissen, anmassende Grobheit und grosse Flüchtigkeit in Form und Inhalt. Von derselben Mann sollte [according to Müller] ... zahlreiche Werke des Verrius und des Varro,

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76 *NA* 5.17.1; 5.18.2; Fest., 326 *salva res est*. Festus was apparently more concerned with keeping his books of equal length, rather than a neat division of one book per letter, for of what remains only the letters O and Q start at the beginning of a new book. On the division into *libri* of the work of Verrius and its epitome by Festus see Müller, pref. XXX-XXXII.

77 Fest., 218 *porriciam*; 351 *satis*. Cf. Bona, *Verrio Flacco*, 29f.; Reitzenstein, *Verrianische*, 7.

> verschiedene Schriften des Sinnius Capito, Aelius Stilo und Anderer gelesen, die ältesten Dichter nach Belegstellen durchforscht haben und diese ganze Arbeit nicht der Erwähnung wert befunden, oder vielmehr verheimlicht haben![78]

This is indeed unlikely and, moreover, as Reitzenstein showed, Festus does appear to have taken some care about saying what he himself has added.[79] Festus also adds numerous comments on what Verrius had written (often limited to notes along the lines of '... this is what Verrius says ...'): the infrequency of such notes suggests that they should be read as 'disclaimers' as to the accuracy of the information presented. As we have seen, Festus can sometimes be quite direct in his criticism of Verrius' work, even admitting on one occasion that it makes him blush to reproduce Verrius' *inconstantia*; elsewhere he admits 'I really can't see why Verrius discussed this here when he was supposed to be writing *de significatu verborum*'. That this material, which puzzled Festus, is included gives some indication of how closely he did follow Verrius. It is interesting that Gellius too is not always entirely complimentary about Verrius, for he once refers to "isti, si qui sunt, qui Verrii Flacci auctoritate capiuntur".[80]

As first noticed by Müller, the essential feature of the composition of the *De Verborum Significatu* is that each letter of the alphabet (except D and E) is divided into two: the first (also the larger) parts are arranged according to the alphabetical order not only of the first letter of the words discussed, but also of the second and often the third, while the second parts are arranged with regard only to the first letter of each lemma. Müller also observed that the same word can be explained twice, the explanations given sometimes being different, but that while the same word may be explained more than once in the 'second parts', or a word explained in a 'first part' may be repeated in the second, a word never appears twice in the 'first part' of any letter; and that in the 'second parts' of almost all letters of the alphabet there are series of glosses on words from Cato,

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78 Nettleship, *art. cit.* (n.72), 210; Müller, pref. XXIXf.; Reitzenstein, *Verrianische*, 14, and on Festus' *modus operandi* in general, pp.7-22.

79 Reitzenstein, *Verrianische*, 13f., citing Fest., 138 *monstrum* and 181 *occentassint*.

80 Fest., 326 *salva res est*; 209 *Pictor Zeuxis*. Cf. also 209 *impetum*; 329 *salicem*; 347 *solida sella*; 351 *Terentum*; 360 *Tatium*. Further such comments and criticisms by Festus are collected by Reitzenstein, *Verrianische*, 8-14, 104-107. *NA* 17.6.4; at *NA* 16.14.3 Verrius' opinion is described as *nimis coactum atque absurdum*.

from Plautus and sometimes on augural law.[81] These observations have formed the basis of subsequent scholarship on Verrius, which has proceeded by identifying groups of glosses which are related by subject matter and by their relative position in the 'second parts', invariably with the aim of identifying the sources of these groups.

The subject matter of many of these groups of glosses regularly reappears in antiquarian works: there are, for instance, groups of glosses on games, *feriae*, legal matters, magistracies, various *res sacrae* and so on, and there is much information on the political organisation of the Roman people, particularly the division into tribes, on the history of several Roman *gentes* and on the *flamen Dialis*.[82] The breadth of subjects covered is remarkably similar to that of Varro and Gellius, with the notable exception that Gellius also concerns himself with philosophical matters.[83] Verrius' dependence on Varro is clear: Varro appears on numerous occasions as a primary source for Verrius and on equally numerous occasions Varronian scholarship has been detected by Verrius' *Quellenforscher*. Thus Kriegshammer, undoubtedly correctly rejecting the idea (already rejected by Müller) that Verrius used Varro's *De Lingua Latina*, sought to show that Verrius used Varro's *Antiquitates* and *De Vita Populi Romani* widely; though many similarities are to be explained by the use of the same sources, notably, according to Kriegshammer, the works of Aelius Stilo and Aurelius Opillus. In many instances, however, we cannot exclude the possibility that Verrius had Varronian material through an intermediary, as Strzelecki shows was the case for the numerous notes on the history of various Roman *gentes*.[84]

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81 Müller, pref. XVIf. But as Müller's tabulated summary of the order of words in the *De Verborum Significatu* (pref. XVII-XXIX) shows, the order is not strictly alphabetical, but rather the glosses are arranged in groups which begin with the same syllable, though these groups do not seem to follow any logical order. Cf. Reitzenstein, *Verrianische*, 68.

82 Cf. Reitzenstein, *Verrianische*, 22-67; Strzelecki, *Verrianae*, 24-80; Bona, *Verrio Flacco*, 35-164.

83 On which, see Holford-Strevens, *Gellius*, 192-214.

84 R. Kriegshammer, 'De Varronis et Verrii fontibus quaestiones selectae', *Commentationes Philologae Ienenses* 7.1 (Leipzig, 1903), 71-126; Strzelecki, *Verrianae*, 25-29.

The importance of the *De Verborum Significatu* lies partly in the antiquarian nature of much of the work's contents, and partly in what the arrangement of glosses can tell us about the method of composition of the work. The order of the groups of glosses in the 'second parts' of each letter seems to represent the order in which Verrius read his sources, extracting from them explanations of words to include in his own work. This material was either entered into separate 'notebooks' (one for each letter), or, more likely, subsequently divided between the letters of the alphabet, according to the first letter of the lemma of each gloss. The material thus sorted forms the 'second parts' of the alphabetical divisions of the *De Verborum Significatu* (these contain a number of distinct groups of glosses sharing the same subject and source), which thus represent the result of Verrius' initial collection of material.

The next stage was apparently to collate this information, combining different explanations of the same word, and placing them in a more strictly alphabetical order, according to the first syllable of each lemma: the 'first parts' of the alphabetical divisions of the work represent the result of this stage of Verrius' task. Clearly, however, since in what remains there still exists the distinction between first and second 'parts', Verrius for whatever reason did not complete his task.[85] Two comparisons come to mind: firstly, the method of arrangement of material in the 'second parts' of the *De Verborum Significatu* is precisely that found in Nonius; secondly, the initial stages of Verrius' research (i.e. reading and excerpting various sources) are paralleled by those attested for the elder Pliny and Gellius.[86]

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85 This seems to have been achieved for D and E which, as Müller noticed (pref. XXf.), do not have 'second parts'. On the composition of the *De Verborum Significatu* cf. Reitzenstein, *Verrianische*, 72-80, who is followed by Strzelecki, *Verrianae*, 93f. and Bona, *Verrio Flacco*, 165-167. Reitzenstein's observation (p.73 n.3) is interesting: as can be seen from the 'second parts', Verrius did not read and excerpt the whole of each of his sources once only, but seems to have had only sections (individual books/rolls?) before him at any one time, each of which he excerpted before repeating the process with further sections of those works. Only the material from Veranius, Antistius Labeo and Messala augur is found exclusively in the closing stages of the 'second parts', from which Reitzenstein concluded that Verrius probably only obtained their works at a relatively late stage in his initial collection of material. Strzelecki (pp. 94-103) and Bona (pp. 167-174) identified small sections in the 'first parts' where the thematic connection between adjacent lemmata (the characteristic of the 'second parts') may be detected.

86 Cf. W.M. Lindsay, *Nonius Marcellus' Dictionary of Republican Latin* (Oxford, 1901); *NH* Pref. 17 and Pliny, *Epp.* 3.5.10, 17; *NA* Pref. 2.

More generally, the discussion of various subjects under headings may be compared with Gellius' *Noctes Atticae* and, as we shall see, with much of the antiquarian tradition. But it is important to remember that the *De Verborum Significatu* was not a connected narrative, or even in the nature of Gellius' collection of articles on miscellaneous topics, but an encyclopaedia arranged on a (roughly) alphabetical basis: one would, therefore, expect to find more elementary material here, and, since the methods of ancient book-production to a large extent precluded cross-references, occasionally to find such material repeated under similar lemmata. Yet it is only in the format in which he presents his information that Verrius Flaccus stands apart from the antiquarian tradition: those subjects with which antiquarians concerned themselves are all present in the *De Verborum Significatu* and, significantly, the same emphasis on a number of subjects in particular (for example, the *flamen Dialis*, games, augural and sacrificial lore, the duties and powers of magistrates, etc.) also recurs in Verrius' work. While the loss of Verrius' work and considerable sections of the epitome made of it by Festus can only be regretted, we should consider it fortunate that so much of this work does survive, even if what remains can only give tantalising glimpses of the scope of the original.

d) The First Century A.D.

The antiquarian works produced at the time of the Gracchi and particularly during the civil wars of the late Republic and the establishment of the Augustan Principate, seem to have set the focus for all subsequent antiquarian writing. The period of the late Republic and Augustus provides the bulk of Gellius' *veteres auctoritates* and there is a marked concentration on the part of Suetonius on the Ciceronian and Augustan eras: Wallace-Hadrill's implication that this is the result of Suetonius' independent research seems to overstate his inclination for such research to the detriment of the established focus of Roman antiquarianism.[87] These peaks of interest are, however, linked by a long line of eminent scholars, often apparently more learned than some of the crowds that appear at the peaks of the subject's popularity; the latter are at least less well represented in the existing tradition. The corollary is, of course, that it is far more difficult to assess the contribution of these lesser lights to Roman

87 Wallace-Hadrill, *Suetonius*, 53-62. Cf. *ibid.*, 42 for emphasis on the derivative nature of ancient scholarship.

scholarship. It may be little more than the accident of transmission that the only surviving large-scale scholarly work of the first century A.D. is the *Naturalis Historia* of the elder Pliny, though this is representative of a (new?) trend towards the production of encyclopaedic works aiming to provide an accessible, comprehensive summary of the current state of knowledge; and this included antiquarian knowledge.

It happens, however, that we know of few antiquarian works from the first century A.D. Of the grammarians, Hyginus' freedman Julius Modestus wrote a miscellany entitled *Quaestiones Confusae*, which is mentioned by Gellius as an example of the 'clever' title of a previous work similar to his own, and a work *De Feriis*, one of the subjects of abiding interest to the antiquarians, though the latter may of course simply have originally been part of the former; and the shadowy figure of Nisus (his *praenomen* and *gentilicium* are not known) appears to have dealt with the *Fasti*, which were a common antiquarian preoccupation, besides works on grammar and Vergil.[88] The *Artes* of A. Cornelius Celsus, written under Tiberius, is now represented solely by the surviving books on medicine. This encyclopaedic work seems to have dealt also with agriculture, military matters, rhetoric, philosophy and jurisprudence, though the nature of Celsus' treatment of these areas remains unknown. Quintilian regards Celsus as a man of mediocre talent, and there is no indication of antiquarian interests. Nor is there for the grammarian Q. Remmius Palaemon, who seems to have restricted himself mainly to strictly grammatical matters, although we have nothing of his *Ars*. In itself the lack of citations from Palaemon would suggest that the antiquarians found nothing of interest in his work, and this is confirmed by Suetonius' scathing picture of him: he appears as a dissolute upstart for whom Suetonius cannot find a good word. Even Tiberius and Claudius regarded Palaemon as 'the last person to be trusted with the education of boys and young men'.[89]

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88 Modestus: *NA* Pref. 8; 3.9.1; Macrob., *Sat.* 1.4.7; 1.10.9, 16, 28. Nisus: cf. Schanz-Hosius §475a. We have already noted the antiquarian interest in and of Vergil.

89 Celsus: Schanz-Hosius §473; Quint., *Inst.* 12.11.24. Palaemon: Schanz-Hosius §475; Suet., *Gramm.* 23; and cf. H. Nettleship, 'The Study of Latin Grammar among the Romans in the First Century A.D.' in *Lectures and Essays*, 2nd Series, ed. F. Haverfield (Oxford, 1895), 145-171, pp.148-150.

i) The Elder Pliny

As befits his standing as 'the most learned man of his age', according to Gellius, Pliny has not gone unstudied in modern times, most interest having been shown in his treatment of scientific subjects and art history. But as the catalogue compiled by his nephew of now lost works shows, he treated a considerable range of subjects, from military tactics to grammar.[90] Even the *Natural History* does not confine itself to purely scientific subjects. For, when discussing a phenomenon, animal or substance, Pliny very frequently includes notes on its first appearance and first use at Rome. Twenty-one of the thirty-seven books contain details of the origin, institution, invention, or introduction of something, be it animal, vegetable, mineral or some custom: the antiquarian's interest in the origins of whatever is evident here.[91] In all, there is a not inconsiderable fund of antiquarian information and much of interest to the *omnium curiositatum explorator*.[92] Among the writers whom Pliny acknowledges in the bibliographies in the first book of the *Naturalis Historia* are a number of antiquarian writers, and the systematic division of his material (into *res* (or *medecinae*), *historiae* and *observationes*) also connects Pliny with the antiquarian tradition, as do some of the subjects which he covers and other features of his work, as we shall see in the next chapter. Isager's recent study of Books 33 to 37 of the *Naturalis Historia* is structured according to the rubrics under which Pliny seems to have written, and Howe is certainly correct to suggest that "Pliny's great achievement was to impose an order on the disorder of his subject".[93]

But Howe generally places too much emphasis on the political nature of the *Naturalis Historia*: it seems most unlikely that Pliny saw his work "as a didactic work necessary for the reformation of Rome" or that Pliny wanted to oust

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90 *NA* 9.16.1. Cf. R. French & F. Greenaway (eds.), *Science in the Early Roman Empire: Pliny the Elder, his Sources and Influence* (London, 1986); J. Isager, *Pliny on Art and Society. The Elder Pliny's Chapters on the History of Art* (Odense, 1991). Note also H. Le Bonniec, *Bibliographie de l' histoire naturelle de Pline l'ancien* (Paris, 1946) and K. Sallmann, 'Plinius der Ältere 1938-1970', *Lustrum* 18 (1975), 5-299. Pliny the Younger gives a bibliography of his uncle's works in *Epp.* 3.5.

91 Thus, for example, book 2 contains a brief discussion *de primo horologio* (§78: the subject is returned to later, 7.60).

92 Tertullian, *Apol.* 5.7 of Hadrian, but equally applicable to many others, including Gellius and perhaps also Favorinus, of whose Παντοδαπὴ ἱστορία we know.

93 Isager, *op. cit.*; N. P. Howe, 'In Defense of the Encyclopaedic Mode: on Pliny's *Preface* to the *Natural History*', *Latomus* 44 (1985), 561-576, p.566.

Vergil's *Aeneid* as Rome's 'national work', to replace it with the *Naturalis Historia*, because he regarded poetry as unsuitable for celebrating 'the Roman spirit'.[94] Of course Pliny must have been influenced by the political circumstances in which he wrote, and the work's dedication to Titus must have introduced further constraints: even if Pliny and Titus had served in the army together, it was still wise to insert the occasional compliment to the Flavian house. But there is certainly little to suggest that Pliny was the 'reactionary aristocrat' seen by Howe.

To a certain extent Pliny distinguishes himself from the antiquarians (at any rate those who survive) by a greater consistency in his condemnation of luxury, with which is connected his repeated giving of the prices of the commodities which he discusses.[95] Yet he is, of course, distinguished principally by his having written an encyclopaedia on nature and its uses for mankind. As Isager notes,

> almost every Book in the Natural History is prefaced with a praise of Nature. This may be brief or extensive and often much of what is said is repeated from the early Books.[96]

It is worth noting here that repetition of this sort is also found in the *Noctes Atticae* of Aulus Gellius. Gellius enlivens a number of his discussions by setting them in a contemporary narrative framework, or as dialogues between his several mentors: each time these characters appear, they are introduced anew. Just like Pliny's repetitions, these are not a sign of poor editing, but reflect the authors' realisation/intention that their work will be used for reference, and it is no accident that both works have an index. Certainly, no one would expect an encyclopaedia to be read from beginning to end, or even in its entirety.

ii) Asconius

In his commentaries on Cicero's speeches, Q. Asconius Pedianus, perhaps writing in the mid 50s A.D.,[97] did not eschew antiquarian details: he often refers to public documents such as *leges* and *acta* (both *diurna populi* and *senatus*); and he also shows a good knowledge of the geography and buildings of the city of

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94 Howe, *art. cit.*, 561, 570f.
95 Cf. especially *NH* 14.1.4-7 and 33.57.164.
96 Isager, *op. cit.*, 40.
97 Cf. B.A. Marshall, *A Historical Commentary on Asconius* (Columbia, 1985), 28-30.

Rome, though it would be difficult to call the commentaries the work of an antiquarian.[98] Indeed Asconius' commentaries are unusual in that they contain much historical information (and so stand in contrast to the bulk of other, essentially grammatical commentaries), while at no time setting out to provide a historical narrative, and in his critical use of sources, most notably Fenestella. Asconius' attitude to Fenestella is one of the clearest arguments against the sterility and purely derivative nature of Roman scholarship after Varro: Fenestella is usually contradicted by the evidence of (apparently) Asconius' own researches.[99] The frequency and precision of Asconius' references to his sources, and the (often documentary) nature of those sources, link Asconius to the antiquarian tradition and indeed Peter saw Asconius as probably the most important antiquarian writer of the first century.[100] But it is perhaps better to see Asconius, apparently a man of considerable learning, as working in a more precise field, in which antiquarian details were used in the exegesis of the text of an earlier author: compare the Servian commentary on Vergil. It is worth emphasising that the recurrence of antiquarian material in such comentaries is indicative of the pervasive influence of antiquarianism in Roman literary society.

e) The Second Century A.D. (and beyond)

i) Suetonius and Plutarch

It is as a biographer that Suetonius is now most commonly known, thanks mainly to the *Vitae Caesarum,* the *De Grammaticis et Rhetoribus* and the lives of the poets. We need not be detained here long by Suetonius, since Wallace-Hadrill has shown that Suetonius the antiquarian lies behind Suetonius the biographer:

> Antiquarianism is the key ... to his whole picture of Caesars as administrators. This is the Ariadne's thread to which we must hold if his chapters are not to appear ... an ill-assorted jumble of quirkishly selected trivia.

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98 *Ibid.*, 39-61, especially the table at p. 61; on Rome cf. p.27. Note that knowing the history of the temple of Apollo requires more than just the familiarity with the geography of Rome, which Marshall allows.

99 *Ibid.* 53ff. Gellius cites an instance of Asconius' criticism of Fenestella, though noting that, on this occasion, Asconius was in error (*NA* 15.28). Marshall, p. 55, suggests "an almost donnish rivalry between Asconius and Fenestella".

100 On citing sources, cf. Marshall, *op. cit.*, 39 and below pp. 128-131. Peter, *op. cit.* (n.1), 114-116.

Wallace-Hadrill shows both the antiquarian nature of much of the subject matter of the *Vitae Caesarum* and how virtually all the known titles of Suetonian works can be seen to tie in with the *Caesars*.[101] We can see, for instance, the origin of some of the more peculiar notes in the *Caesars* in such works as those *On Names and Types of Clothes*, *On Rome and its Customs and Manners*, *On Physical Defects* and the *Ludicra Historia*.[102]

For Syme also Suetonius was "a student of antiquities ... a scholar not wholly devoid of historical sense" and Della Corte is undoubtedly correct to see Suetonius as a serious scholar, much concerned with the accuracy of his sources, and his antiquarian learning about the laws and customs of Rome as contributing to some of his detailed discussions. Peter went further and saw Suetonius as the worthy successor of Varro, stressing Suetonius' independence in his use of sources to extend Varronian *doctrina*: "man kann ihn den Varro seiner Zeit nennen", though Peter's judgement is based on a remarkably high regard for the supposed encyclopaedic work of Suetonius entitled *Pratum*, of which we know next to nothing.[103] It is unfortunate that in his otherwise useful survey of antiquarian writers, Peter denigrates Pliny and perhaps over-stresses Suetonius' contribution to Roman antiquarian scholarship: he saw Suetonius as a second Varro and went on to say that there was not a third Varro. We may doubt whether there was even a second Varro. Later writers cite Varro, not Suetonius, though we should not denigrate the importance of the latter.

Although writing in Greek, Plutarch deserves at least brief mention here. Whilst more of Plutarch's works survive, Plutarch's biographical works have, like Suetonius, attracted most modern attention. His Αἴτια Ῥωμαϊκά or *Roman Questions* are, as the title suggests, entirely Romano-centric and draw widely on the works of Roman antiquarians. Although Plutarch applied his editorial hand firmly, a considerable number of 'questions' are on subjects, the discussion of which appeared in most, if not all, of the works of other antiquarians: the most

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101 Wallace-Hadrill, *Suetonius*, 46-49, 126-130, p. 128. Cf. also Della Corte, *Svetonio*, Ch. 7, 'Il Memorialista e l'antiquario', pp. 143-164.

102 Cf. pp. 281, 282, 302 and 278 Roth.

103 R. Syme, *The Roman Revolution* (Oxford, 1939), 324; Della Corte, *Svetonio*, 155f., 158, 161; Peter, *op. cit.* (n.1), 124f. *Pratum* appears in Gellius' list of works similar to his own: *NA* Pref. 8. On Suetonius' *Pratum* cf. Wallace-Hadrill, *Suetonius*, 42 n.20.

notable examples are perhaps those 'questions' which discuss the tribunate and the *flamen Dialis*.[104] Varro was an important source for Plutarch (even if only indirectly), and we should remember that Varro also wrote a work entitled *Aetia*, which may well have been similar to, if indeed not a model for Plutarch.[105] It is significant that of the five fragments of Varro's *Aetia* collected by Popma, at least two and probably also a third deal with wedding ritual, and that twelve of the 113 'questions' of Plutarch also deal with marriage (and so the subject most frequently treated by Plutarch here). Furthermore, both discuss the use of torches in the wedding ritual.[106] It almost goes without saying that Plutarch presents a great deal of antiquarian material (and hence presumably drew on Roman antiquarian sources) in his *Lives*, particularly the *Vitae Romuli, Numae* and *Poplicolae*, although the *Quellenforscher* of Plutarch seem in the main to have preferred the view that Plutarch had his material through the mediation of the works of Juba.[107] It must remain, however, for further research to ascertain more fully Plutarch's use of and contribution to the Roman antiquarian tradition.

ii) Aulus Gellius

In 1883 Henry Nettleship remarked that "the name of Gellius is perhaps most familiarly connected in the minds of modern students with the subject of Roman antiquities, social, political and religious". That is, Gellius was an antiquarian. To a certain extent Nettleship's essay succeeded in adjusting this view to the benefit of Gellius' notes on language and literature, and indeed, in the most recent work published on Gellius, Holford-Strevens all but ignores Gellius' scholarship and antiquarianism.[108] Until very recently, Gellius was generally regarded by modern scholarship merely as a source for fragments of earlier

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104 *QR* 81; 40, 44, 50, 109, 110, 111, 112, 113.

105 In general see Rose's essay 'The sources of the *Quaestiones Romanae*' in H.J. Rose, *The Roman Questions of Plutarch. A new translation with introductory essays and a running commentary* (Oxford, 1924), 11-45; and in particular, L. Mercklin, 'Aetia des Varro', *Philologus* 3 (1848), 267-277.

106 Pp. 254f. Bipontina. Compare Varro *ap.* Serv., *Ecl.* 8.29 with *QR* 1 and 2. Cf. also Pliny, *NH* 16.30.75.

107 Cf. P. Glaesser, 'De Varronianae doctrinae apud Plutarchum vestigiis', *Leipziger Studien zur classischen Philologie* 4 (1881), 157-224; and E. Valgiglio, 'Varrone in Plutarcho', *Congr. Stud. Varr.*, 571-595. On Juba cf. H. Peter, *Ueber den Werth der historischen Schriftstellerei von König Iuba II von Mauretanien* (Meissen, 1879).

108 Nettleship, 'Gellius', 266. Holford-Strevens, *Gellius*: Chapter 13, 'History', hardly strays beyond a catalogue of historians used by Gellius and a sketchy account of 'Gellius' Attitude to Antiquity'.

writers, whose own works no longer exist: a writer whom many cited, but few read. Holford-Strevens' *Aulus Gellius* has to a large extent rectified this view of the *Noctes Atticae* as only a mine of information, and the thoroughness of his study saves me a lengthy section on Gellius, though Gellius' relation to the antiquarian tradition remains to be quantified. Although Gellius has a central place in the present work, I discuss him here, in his chronological place rather than in a separate section like Varro, in order to avoid giving an exaggerated impression of Gellius' importance in the antiquarian tradition.

Rather than attempting to consider Gellius' work, the *Noctes Atticae*, as a whole or to assess its place and importance in the intellectual history of Rome, the obsession of modern (that is, post-*Quellenforschung*) Gellian scholarship has been with his chronology: in brief, Gellius seems to have been born in the later 120s, possibly in a *colonia* in the province of Africa, and publication of the *Noctes Atticae* may have begun in the 170s, perhaps earlier, perhaps later.[109]

The twenty books of the *Noctes Atticae* are essentially a compendium of miscellaneous information culled by Gellius from a number of sources and presented in an attractive manner in 398 (perhaps originally 400) separate 'articles', each of which was prefaced by a short summary of the material contained therein, these summaries being collected together to form a list of contents which (like Pliny's) is appended to the preface, the beginning of which is unfortunately lost.[110] The term 'articles' is preferable to the more usual 'chapters', since it gives a better idea of the nature of the work. The *Noctes Atticae* are unashamedly 'bitty': the articles are all self-contained, vary greatly in length (some are little more than a few lines) and rarely have much connection between each other. The vast majority of Gellius' articles are comparable (in

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109 Friedländer, *Sittengeschichte*, 4.284-289; E. Castorina, 'La data di pubblicazione delle *Noctes*', *GIF* 3 (1950), 137-145; P.K. Marshall, 'The Date of Birth of Aulus Gellius', *CPh* 58 (1963), 143-9; R. Marache, *La critique littéraire de langue latine et le développement du goût archaïsant au IIe siècle de notre ère* (Rennes, 1952) 331f.; *id.*, 'Fronton et A. Gellius (1938-1964)', *Lustrum* 10 (1965), 213-245, pp. 228-231; *id.*, in his Budé edition of the *Noctes Atticae*, ix-xii; W. Ameling, 'Aulus Gellius in Athen', *Hermes* 112 (1984), 484-90; L. A. Holford-Strevens, 'Towards a Chronology of Aulus Gellius', *Latomus* 36 (1977), 93-109 and *id.*, *Gellius*, 12-19.

110 For a full description of the *NA* see Berthold, *Gellius*, esp. 17-26; Holford-Strevens, *Gellius*, esp 20-58. Note also the sympathetic accounts of Nettleship, 'Gellius'; P. Steinmetz, *Untersuchungen zur römischen Literatur des zweiten Jahrhunderts nach Christi Geburt* (Wiesbaden, 1982), 276-290; and J.E.G. Zetzel, *Latin Textual Criticism in Antiquity* (New York, 1981), 57-61.

spirit at least) to many of those in early editions of, for example, *The Classical Weekly* or *Quarterly*; and both the parts and the whole bear a marked similarity to the periodical *Notes and Queries*, which was first published in 1849 with the subtitle *A Medium of Inter-Communication for Literary Men, Artists, Antiquaries, Genealogists, etc.* Today, *Notes and Queries* seems more literary than in its earlier days (this may be due largely to the demise of the gentleman antiquary and his replacement as contributor by academics), but each issue still explains on the inside front cover that "It is devoted principally to English language and literature, lexicography, history and scholarly antiquarianism. Emphasis is on the factual rather than the speculative." One would need only to change the word 'English' to 'Latin' to get an accurate description of Gellius' *Noctes Atticae*.[111] Probably the most significant difference between *Notes and Queries* and the *Noctes Atticae* is that for the most part the latter does not present original research, but rather seeks to present a digest of information on a wide variety of subjects, for the use of gentlemen scholars and those too busy in public life to make a serious study of these subjects. In short the *Noctes Atticae* represents a compendium of the sorts of things with which a man of affairs in the second century would be expected to be familiar. It is then significant for the importance of antiquarianism in the intellectual life of Rome that antiquarian topics recur in the *Noctes Atticae*. We might see the *Noctes Atticae* as part of the trend in the imperial period (compare Celsus, Pliny and perhaps Suetonius) towards the compilation of encyclopaedias, which seem themselves to be a largely Roman invention.[112] Indeed the idea of an encyclopaedia was well suited to the Roman psyche: they provided a ready digest of knowledge for the busy and practical man, the *homo negotiosus*, who was the Roman ideal. Gellius plays on this: in his preface he sets out his aims to stimulate interest in

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111 Taking - entirely at random - Volume 35, No. 1 of *Notes & Queries* (March 1988), we find contributions on the origins of place-names (cf. *NA* 16.17), on corruptions and metre in Old English poetry (cf. *NA* 1.21; 2.6; 2.16; 5.8; 6.7 etc.); the use made by (e.g. Marlowe and Spenser) of earlier works (respectively Justinian's *Institutes* and Golding's translation of Ovid's *Metamorphoses*) (cf. *NA* 2.23); and on Shakespearian epitaphs (cf. *NA* 1.24). B. Baldwin, *An Anthology of Later Latin Literature* (Amsterdam, 1987), 21 would even see contributions to modern classical journals as not "out of place at a Gellius soirée."

112 The library of London University's Warburg Institute actually classifies the *NA* as an encyclopaedia.

'good old erudition' and to provide an easy digest of 'essential knowledge' for those whose lives are filled by *negotium*. That a fair part of this 'essential knowledge' is antiquarian, suggests a common interest in such matters.

Gellius sets out to present information that is interesting - pleasant to know - and useful, at least in so far as it would stop one making silly mistakes; for example in the use of words, or mistakes of historical fact. Berthold stresses an educational impulse in the *Noctes Atticae*, and Gellius is indeed eager that his work be seen as 'useful', though the disorganisation of the work suggests that it was not intended as a school textbook, the mark of which was their systematic nature.[113] The work is dedicated to his children, to provide some relaxation in breaks from their (unspecified) *negotium*, and may well initially have been written for them. Gellius' intended audience no doubt belonged to the same socio-intellectual group as his children and, hence, himself, but it is difficult to identify that group precisely, for he betrays but few hints about his background. It is clear that Gellius belongs to a cultured elite, though probably not to the political elite. His only official position which he mentions is the rather lowly one of *iudex*, and while he portrays himself as moving in elevated circles, the impression is always that he is on the periphery of the topmost layer of Roman society; following others' movements between bookshop and palace, between Rome and the Bay of Naples. It is tempting to see our Aulus Gellius as the Gellius, to whom Fronto refers on one occasion, as nagging him to publish something. Gellius would seem to belong to a group of leisured 'gentlemen' of private means with the freedom and inclination to set themselves up as amateur scholars, sharing the intellectual 'cleverness' of the age (it is worth remembering that one of Gellius' most influential mentors was the sophist Favorinus).[114]

Gellius' world is not situated entirely in the past: he does not seek merely to restore forgotten achievements of the good old days. Yet it is a comfortable, insulated world: as Steinmetz notes, while Gellius has some feeling for the problems of his age and can deal with questions concerning contemporary literature, philosophy and jurisprudence, he betrays in his work no awareness of

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113 Berthold, *Gellius*, *passim*. On textbooks cf. Fuhrmann, *op. cit.* (n.6).

114 On Gellius' background cf. Holford-Strevens, *Gellius*, 9-12; on mentors, *ibid.*, 61-103. Fronto, *Ad Am.* 1.19 (p.182 v.d.H.[2]).

the religious currents of his day (unlike Apuleius) or of the political and military issues of his age. This need not mean that Gellius and his audience were ignorant of these issues or submerged them in a pool of nostalgia: he excludes them from his work, since he aims to provide a combination of intellectual sustinence and relaxation for his readers' leisure.[115]

Gellius says that the study of the past might be enjoyable for its own sake - a relaxation of the mind with what are essentially trivia after a hard day at the tribunal: Gellius stresses the general interest value of his material. He sees his various articles as presenting a combination of useful and perhaps trivial, but certainly interesting material, which he intends both to educate and to entertain:

> I have not made a particularly deep and recondite study of these matters, but have presented some of the 'first fruits' - a sort of foretaste of the liberal arts. Never to have heard of or come across these matters is at least unbecoming, if not harmful for a man of any education.

And he goes on:

> If my readers find anything new or unknown to them, rather than indulging in useless criticism, I think that it would not be unreasonable for them to consider whether these notes, although they are sometimes slight and trivial, are not after all able to inspire study and are not too arid to divert and stimulate the mind. They can encourage thought, improve the memory, make one's eloquence more effective, one's language purer and foster greater pleasure in leisure and recreation.[116]

Gellius' emphasis on the (real) *delectatio* to be gained from reading his work places him apart from much antiquarian writing: it is an idea that recurs several times in the *Noctes Atticae*, though not to the extent that it entirely overwhelms the claim of *utilitas*.

Gellius' particular achievement is the charm with which he presents his material, combining utility and pleasure: he has an ability, which is probably undefinable, to engage his reader and to lead him to turn the page, while at the same time the brevity and self-containment of individual articles means that his

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115 Steinmetz, *op. cit.* (n.110), 289. Cf. also Dahlmann, 'Varro', 1176f.: "[Varro] war im Grunde eine durchaus unpolitische Natur".

116 *NA* Pref. 13, 16. Cf. also, e.g., 20.10.6.

busy readers are never too overstretched at one time. As Zetzel notices, "Taken as a whole, the *Noctes Atticae* are precisely what their title suggests: a collection of entertaining anecdotes, suitable for bedtime reading." And it matters little if one should fall asleep during the reading, for there is no continuous thread of narrative or argument to be lost.[117]

Gellius enlivens otherwise dry scholarship in several ways, the most notable being the mini-dramas in which such material is presented. For example, Gellius' views on the excavation of archaic vocabulary are made clear by the story he tells of an advocate who appealed to the praetor presiding in the court to grant him an adjournment, repeatedly accusing his adversary of being a *bovinator*. Gellius describes the complete bewilderment and incomprehension in the court, which begins to become restless, wondering where on earth the monstrous word has come from. Eventually the man in frustration explains that the word is one used by Lucilius. Gellius simply agrees that if you look hard enough the word does appear once.[118] (Gellius has some good anecdotes like this: it is probably pointless to try to distinguish true and fictitious tales; there is, however, no reason to deny their verisimilitude.)

Gellius' material is also enlivened by its sheer diversity: the preface speaks explicitly of the *rerum disparilitas*.[119] As a result, it would be a misrepresentation to call the *Noctes Atticae* an antiquarian work: it contains much antiquarian information, but this is only part of a whole. Out of the apparent chaos that is Gellius' organisation of his material it is virtually impossible to produce an entirely satisfactory table of subjects covered, so miscellaneous is the collection. Nettleship produced a "rough analysis", which divided the *Noctes Atticae* into a number of broad subject areas. We must beware, however, of imposing any scheme or plan on the *Noctes Atticae*: there is no indication that Gellius made any attempt to organise his material into subject groups. Rather the opposite is the case, as he himself states explicitly, the intended result being a varied patchwork of subjects, which will not weary the reader. A linking motif,

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117 Zetzel, *op. cit.* (n.110), 57.

118 *NA* 11.7.7-9. Cf. R. Marache, 'La mise en scène des "Nuits Attiques". Aulu-Gelle et la diatribe', *Pallas* 1 (1953), 83-95.

119 *NA* Pref. 3. Holford-Strevens (*Gellius*, 26) rightly compares the younger Pliny, *Epp.* 1.1.1; 2.5.7f; 4.14.3; 8.21.4.

and especially a subject-based link, between articles is a marked exception to the normal procedure.[120] Similarly, it is not always easy to place into a single category many of the articles which make up this patchwork, for they are often complex, combining more than one theme: a number of articles contain antiquarian details, or simply suggest the methods of the antiquarian, without either the lemmata or the subject matter of those articles giving any such indication. Taking into account these latter articles, we find that antiquarian scholarship appears in one form or another in approximately 120 articles: almost a third of the total. Distinctions are not always easy, but we can break down Gellius' antiquarian discussions as follows: the institutions of daily life (covering such matters as costume, music, shaving, eating etc.) are mentioned nearly fifty times; legal matters on about thirty-five occasions; religious institutions appear some twenty-seven times; political institutions twenty-two times; military institutions eleven times; and physical antiquities appear on seven occasions. There is in addition a quantity of miscellaneous material, which may be characterised as at least related to antiquarian scholarship: this includes such matters as the search for good texts, genealogy, an account of the difference between *historia* and *annales* and the topography of Rome.

Gellius put much care and concern into the composition of his collection. This is perhaps most apparent in his synchronistic sketch of Greek and Roman history, including intellectual history: it is easy to see that Gellius, having compiled his own guide to Greek and Roman chronology, decided that it was too good just for his own use and that it should be fitted into the *Noctes Atticae* somewhere. Gellius' references to other works, where they can be checked, are often correct or reveal the use of purportedly good copies of those works: we repeatedly find Gellius either having been to some library to check something, or having found there something to confirm or refute a previously held view: this recalls Suetonius' use of autograph copies of Augustus' letters. The *Noctes Atticae* present an overview of what interested an essentially amateur scholar in the second century, what sources he could muster, what critical abilities he could bring to bear on those sources and what conclusions he could reach.[121]

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120 Nettleship, 'Gellius', 258-274. Cf. Holford-Strevens, *Gellius*, 47, 25f.

121 *NA* 14.7. Texts: Cf., e.g. *NA* 1.7.1; 13.21.15; 1.16.15; 9.14; 10.13 etc. Suet., *Aug.* 71; 87. Cf. J. E. G. Zetzel, 'Emendavi ad Tironem: some Notes on Scholarship in the Second Century A.D.', *HSPh* 77 (1973), 225-243.

Champlin sees in the higher circles of Roman society under the Antonines a network of culture; and Fronto's letters betray the importance of erudition in gaining official advancement. Yet not all those who pretended to scholarship gained high (or perhaps even any) office: witness the trouble Fronto had in gaining a procuratorship for the historian Appian, and Gellius' official career was, to say the least, modest.[122] Similarly, two second-century jurists, Gaius and Pomponius, whose contributions to jurisprudence have been rated highly, seem neither to have held the *ius respondendi* (whatever that was).[123] Equally, just because some seem to have used literary culture as a means of advancement, it does not necessarily follow that all intellectuals in the period sought such advancement. Certainly Gellius seems to have contented himself with the position of a judge, although he moved (or perhaps, rather, aspired to move) in elevated circles: he claims to have frequented the company of Favorinus, Sulpicius Apollinaris and Fronto, and when in Athens to have made the acquaintance of Herodes Atticus.

iii) Granius Licinianus

Just as Gellius seems partly to intend to make antiquarian writing more entertaining, so Granius Licinianus, who probably belongs to the second century A.D., seems to have sought to restore some of the scholarship to historiography. Licinianus sees historiography as less of a rhetorical exercise than was common in the ancient world and condemns Sallust for including speeches and geographical digressions.

Licinianus wrote a history of Rome, perhaps from its foundation to (?) the death of Caesar, probably in about forty books: we have a few, barely legible fragments from Books 26, 28, 33, 35 and 36, of which approximately 281 lines are intelligible in the latest Teubner edition.[124] His mention of a number of eastern rulers and events in the east would seem to contradict the Rome-

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122 E. Champlin, *Fronto and Antonine Rome* (Cambridge, Mass., 1980), 29-44. Appian: Fronto, *Ad Ant. Pium* 10.2 (p.168 v.d.H.²).

123 Cf. A.M. Honoré, *Gaius* (Oxford, 1962), xiff. and D. Nörr, 'Pomponius oder "Zum Geschichtsverständnis der römischen Juristen"', *ANRW* 2.15 (1976), 497-604, p.510.

124 *Grani Liciniani Reliquiae* (ed. N. Criniti) (Leipzig, 1981). References below to Licinianus (= Lic.) are to this edition. On Licinianus cf. Steinmetz, *op. cit.* (n.110), 139-145.

centredness of Roman antiquarianism[125] More antiquarian are the references to Rutilius Rufus' account of the *devotio* of Roman generals, and Licinianus' digression on cavalry, in which he refers to his earlier (lost) discussions of 'the composition, names and numbers of legions, and soldiers' weapons', and of the introduction of the cult of Castor to Rome. (He also cites the evidence of statuary here.)[126] Similarly accounts of a vitiated taking of the auspices and of the use of elephants in Pompey's African triumph might suggest antiquarian interests. The latter account leads Licinianus to mention the exhibition in the circus of fights between elephants and bulls, first presented by the curule aedile Claudius Pulcher in 99 B.C. and repeated at this time by the brothers Luculli as curule aediles. These are reminiscent of some passages of Pliny's *Naturalis Historia*.[127]

Even in what little remains of Licinianus' work, we find several comments by Licinianus on his sources, particularly Rutilius Rufus, the consul of 105 B.C., who provides Licinianus with an eye-witness account of the Cimbric wars. Similarly, Licinianus suggests that he has consulted a copy of a speech made after the death of Sulla by M. Aemilius Lepidus opposing the restoration of tribunician power (itself a subject of interest to the antiquarians).[128] At one point Licinianus is reminded of Sallust:

> The work of Sallust comes to mind here, but, as we have established, we shall leave out digressions and anything which is not vital. They say that Sallust should be read not as a historian, but as an orator: for he finds fault with his own times and condemns crimes at length; he inserts speeches and describes, one after the other, places, mountains, rivers, and other such things; and throughout his narrative he apportions blame and draws comparisons.

This view of how not to write history would have been shared by many of the Roman antiquarians. Certainly the idea that moralising is a fault comes close to what we shall see (in Chapter 3) is the remarkably neutral stance of the antiquarians to luxury and the decline of morals. And indeed Peter includes

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125 Lic., 28.2-13; 28.38f.; 35.61-94. Though these matters are discussed in connection with Rome's dealings in the area.

126 Lic., 26.6; 26.11-16.

127 Lic., 28.24-26; 36.2-7; cf. *NH* 7.26.96; 8.2.4 (Pliny's source seems to be Procilius: above p.67); 37.6.13 on Pompey's triumph; 8.7.19 (which preserves a fragment of Fenestella on these elephant fights).

128 Lic., 26.6; 33.17; 33.25-27; 36.33f.

Granius Licinianus in his list of antiquarians on the basis of the absence of moralising in his work, though this is to go too far.[129] Earlier Licinianus tells us:

> I thought that many *mirabilia* should be left out of my *Historia*, and that its pages should not be filled up with that sort of information.

These two passages together are reminiscent of Pliny's comment in his preface that his work should not contain digressions, speeches or *mirabilia*.[130]

What we know of Licinianus' history shows it as being influenced by antiquarian writing, as was Fenestella's: we can see in the work an attempt to write a more scientific history, based more on the facts of antiquarian research than on the rhetoric of historiography. Steinmetz indeed characterises Licinianus' aim as "die Reduzierung der Geschichtschreibung auf die Fakten und auf Denkwürdigkeiten."[131] One might even see Gellius and Licinianus as predecessors of Gibbon, attempting to unite the erudition of antiquarianism with the elegance and entertainment of historiography.

Licinianus' antiquarian leanings become still clearer if he is identified with the Granius Licinianus (it is not a common name) who is attested as the author of a work entitled *Cena*. Macrobius and Servius both draw on this work for discussions, respectively, on whether the *nundinae* should be regarded as *feriae* and on the fact that the wives of the 'old Romans' only drank wine on certain days for religious reasons. The title, *Cena*, suggests that the work was concerned with 'after-dinner conversations', of the sort which appear in Gellius' *Noctes Atticae*.[132]

iv) Macrobius

Macrobius is worthy of some comment here for he preserves much antiquarian information: indeed his *Saturnalia* is very much in the tradition of Gellius' *Noctes Atticae*, on which it draws heavily, particularly in the earlier

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129 Lic., 36.30-32; Peter, *op. cit.* (n.1), 130f.

130 Lic., 28.22; *NH* Pref. 12. As Peter (*op. cit.*, 131) noted, the story of the two Corfidii brothers (Lic., 28.17-21) also appears in Pliny (*NH* 7.52.176f.), who has it from no less than Varro.

131 Steinmetz, *op. cit.* (n.110), 141.

132 Macrob., *Sat.* 1.16.30; Servius, *Aen.* 1.737. The same work may be used by Solinus, *Collectanea Rerum Memorabilia* 2.12; 2.40. After-dinner conversations: *NA* 18.2; 18.13. Women and wine: *NA* 10.23.

parts of the work. He may also serve as an example of the commentators on Vergil, who seem to have often turned to Varro and other antiquarians of the late Republic and Augustan period for the exegesis of particularly the *Aeneid*.

The starting point is the festival of the *Saturnalia*, all aspects of which are discussed at great length, but the dialogue goes on to cover a wide variety of subjects from religious rites and pontifical and augural law to ancient costume and the calendar, though the antiquarian emphasis is firmly on religious institutions. In the latter stages of the work (most of Books 3 to 6) the speakers concern themselves with identifying and explaining those passages of Vergil which best display his learning: not infrequently their discussion is of what they see as betraying Vergil's antiquarian scholarship, particularly in the area of religious law and practice. Dahlmann has suggested that there is much Varronian material to be found in works from Cicero, through the Augustans to later centuries. Strangely he does not mention Macrobius' *Saturnalia*, so much of which is concerned with identifying what the interlocutors see as the scholarly passages in Vergil. On the other hand, Cardauns noticed as much when he suggested that, given the traces of Varronian influence to be found in Vergil's *Aeneid*, it is not chance that we owe numerous fragments to Macrobius and the commentators on Vergil. The presence of much Varronian material in the commentators on Vergil is due to the usefulness of Varro's works to the Augustan regime: providing both the precedents for Augustan institutions and the *auctoritas* for those precedents, Varronian learning both found its way into Vergil's works and provided a ready means for the exegesis of those works. It is worth noting in this connexion that Gellius too refers to Vergil's scholarship in admiring tones.[133]

Macrobius seems to make a point of not citing his own sources: the three names most noticeable by their absence are those of Gellius, Plutarch and Athenaeus. With the exception of Vergil and Homer, whose works are, of course, the subject of much of the *Saturnalia*, when other writers are mentioned,

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133 Dahlmann, *art. cit.* (n.20), 176; B. Cardauns, 'Varro und die römische Religion. Zur Theologie, Wirkungsgeschichte und Leistung der "Antiquitates Rerum Divinarum" ', *ANRW* 2.16.1 (1981), 80-103, 87. Jocelyn, *art. cit.* (n.5), 151 also notes the presence of Varroniana in the works of the commentators on the *Aeneid*. *NA* 3.2.14; 5.12.13. On Varro in Macrobius cf. C. Biuso, *Varroniana nonnulla ex antiquitatibus derivantia quae in Macrobii Saturnaliorum libris inveniuntur* (Florence, 1882).

it is undoubtedly most often because they were cited in his sources, whom we can easily see that he uses at times *verbatim*, as he indeed declares in his preface: 'Do not find fault with me if I use the words of my sources to explain these subjects'.[134] Perhaps the suppression of the repeated citation of his authorities was in response to Macrobius' use of the dialogue form rather than a more scholarly style, of which the frequent citation of authorities was a mark. It is worth noting, however, that the use of dialogue in a scholarly work was not unprecedented: one may compare Athenaeus' *Deipnosophistae*, Varro's *Res Rusticae* and *Logistorici* and, of course, the several articles of the *Noctes Atticae* in which Gellius presents his material in the form of a miniature dialogue.[135] There is, however, no pretence that it is a real dialogue just as for Varro in the *Res Rusticae* the dialogue exists only as an artifice to hold the reader's attention. As Boissier commented, little care is taken by Varro to link the dramatic part with the discussion of ideas and the dramatic framework could quite easily be suppressed without the content suffering, except, I might add, in interest.[136]

Summary

In this section I have attempted to trace the history of antiquarian scholarship at Rome, from the second century B.C. to the second century A.D. (and a little beyond), by reference to its students, though thus far the Prince has made only a passing appearance in this *Hamlet*: I shall discuss Varro in detail in the next section. There are indications that there is a pre-history of antiquarian scholarship before the second century B.C., and that antiquarian scholarship continued after the second century A.D., perhaps even forming a more or less continuous tradition through to the Renaissance and thence to Edward Gibbon and more recent times, though in the late antique and medieval world the picture is clouded by an increasing trend towards the compilation of encyclopaedias. Further research would be needed to establish the continuance of the Roman antiquarian tradition in the middle ages.

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134 Pref. §4. Cf. §§8ff. and also *Sat.* 6.1.5.

135 On the dialogue form of Varro's *logistorici* cf. R. Heisterhagen, 'Zur literarischen Form der Logistorici' in H. Dahlmann and R. Heisterhagen, *Varronische Studien I: Zu den Logistorici* (Wiesbaden, 1957), esp. pp. 9-15. On Gellius' dialogues cf. Berthold, *Gellius*, 116-119 and R. Marache, *art. cit.* (n.118). Note also the use of the dialogue format in biography, as attested by a papyrus fragment of Satyrus' Βίος Εὐριπίδου (on which see I. Gallo, 'La *vita di Euripide* di Satiro e gli studi sulla biografia antica', *La Parola del Passato* 22 [1967], 134-160).

136 Boissier, *Varron*, 352.

What we see, then, is a continuous tradition of antiquarian writing at Rome, emerging concurrently with Latin historiography early in the second century B.C. As the *Kunstprosa* of historiography developed, so antiquarian writing, which paid little heed to the demands of style, became distinguished from it and reached its zenith in the second half of the first century B.C. and the first one or two decades of the first century A.D. After this time, antiquarian writing continued, but seems to have been largely subsumed into a trend towards the collection of diverse areas of knowledge into single works, or in other words the compilation of encyclopaedias. To a certain extent one might see a number of the antiquarian scholars of Rome as compilers of encyclopaedias, with Varro as the Ephraim Chambers on which they also based themselves, for it is possible to see the entirety of Varro's works as a large encyclopaedia.

The mere existence of a tradition of - and the quantity of - antiquarian writing at Rome suggests that antiquarianism was of interest to many of the educated of all periods. That much antiquarian information is found in commentaries such as those of Servius, in digressions in annalistic histories and in encyclopaedic works such as Pliny's *Naturalis Historia* and Gellius' *Noctes Atticae*, both of which present digests of wide reading, confirms that antiquarianism was a central discipline in the intellectual life of Rome. Antiquarianism provided the 'factual background' to public life. It explained institutions, procedures and customs: matters which were apparently not within the curriculum of Roman education. It could also - as, for instance, in the *Noctes Atticae* - entertain: when the massive works of, for example, Varro were condensed, and 'the best bits' selected, the result was a digest of information of general interest.

2. VARRO

Varro should need no introduction, yet his contribution to ancient scholarship, and in particular his antiquarian studies, have been largely overlooked, particularly in the English-speaking world. In 1967 the Italian scholar Francesco Della Corte also claimed that Suetonius was the first to look at 'all the characteristics of an age, from *ludi* to *religio*, from architecture to literature' - ignoring entirely Varro's contributions to precisely such a broadening of the scholarly approach, for example in the *De Vita Populi Romani* and the *Antiquitates*: and this from the author of the most recent study of Varro, first published in 1954! Della Corte's *Varrone* was, rightly, heavily criticised when it first appeared and most of those criticisms still hold good for the second edition of 1967. Della Corte's approach is self-confessedly biographical and he has rather idiosyncratic ideas about what were Varro's most important works: his

chapter entitled 'L'*opus magnum*', for instance, is about the *De Lingua Latina*; he all but ignores the *Antiquitates,* which were undoubtedly regarded most highly in antiquity.[137] A far more reliable and useful guide to Varro is still the study of Gaston Boissier published in 1861, which remains the best full length treatment: as Dahlmann, whose own contribution to our knowledge of Varro is considerable, suggests

> so ist sein [Boissiers] Varrobild, für das die Darstellung des äußeren Lebens nur Vorbereitung und Grundlage ist, die Durchsicht aber seiner Werke in reicher Überschau, zumal der grammatischen, historischen, theologischen, die Hauptsache, bunter, vollständiger und der Bedeutung Varros sehr viel gemäßer.[138]

Dahlmann's own survey of Varro's life and works (published in 1935 in the sixth supplement to Pauly's *Realencyclopädie*) does not entirely replace Boissier's account, though it provides a good introduction. Dahlmann clearly outlines Varro's inspirations, in contrast to the interminable *Quellenforschung* of earlier German scholarship on Varro, and provides a valuable survey of much of the scattered work on Varro published prior to his own article.[139] In 1974, to mark the 2000th anniversary of Varro's death, an international congress on Varronian studies was held at Rieti (the ancient Reate, Varro's hometown) under the auspices of the *Centro di Studi Varroniani* there. The published papers of this congress provide little more than an interim report on our understanding of Varro's contribution to Roman scholarship. On the other hand, they reflect well, Varro's polymathy, for they deal variously with antiquarian, historical, religious, philosophical, legal, grammatical, linguistic, artistic and even musical matters.[140]

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137 Della Corte, *Svetonio*, 157. Della Corte, *Varrone*, 177-188. Cf. also the reviews of *Varrone* by M. Hubbard, *JRS* 45 (1955), 224-6 and H. Dahlmann, *Gnomon* 27 (1955), 176-181 (both of the first edition [Genova, 1954]). B. Riposati, 'M. Terenzio Varrone: L'uomo e lo scrittore', *Congr. Stud. Varr.*, 59-89 suffers from brevity and a degree of panegyric; A. Garzetti, 'Varrone nel suo tempo', *ibid.*, 91-110 is essentially a biographical sketch, which does not replace C. Cichorius, 'Zu Varros Lebensgeschichte' in *id., Römische Studien. Historisches Epigraphisches Literargeschichtliches aus vier Jahrhunderten Roms* (Leipzig-Berlin, 1922), 189-207.

138 Boissier, *Varron*; Dahlmann, *art. cit.*, 178.

139 H. Dahlmann, 'M. Terentius Varro', *RE* Suppl. 6 (1935), 1172-1277. On the Greek inspirations for many of Varro's works (compare Cicero of course) cf. *ibid.*, 1180. Dahlmann, 'Varroniana' provides a brief summary of and a bibliographic introduction to what we know of Varro's works.

140 [No editor named,] *Atti del Congresso Internazionale di Studi Varroniani* (Rieti, 1976). For a full bibliography of recent work on Varro cf. B. Cardauns, *Stand und Aufgaben der Varroforschung (mit einer Bibliographie der Jahre 1935-1980)* (Wiesbaden, 1982).

Varro's biography has been amply written elsewhere, but I should perhaps give a brief outline here. Varro was born in 116 B.C., probably at Reate, and died in 27 B.C. Little is known of his family background or of his youth: he was probably a descendant of one C. Terentius Varro, the consul of 216 B.C. Aelius Stilo and Antiochus of Ascalon are mentioned as teachers of grammar and philosophy respectively, though the influence of the former seems to have greatly outweighed that of the latter. Varro's political career was far from glittering and is characterised mainly by his close allegiance to Pompey, for whom he served as legate at least twice. Varro's quaestorship fell in the years between 86 and 78, when his friendship with Pompey seems to have begun: in 78 he seems to have held a legateship during fighting in northern Dalmatia. Varro then joined Pompey in the war against Sertorius and the two returned to Rome in 71: in 70 B.C. Pompey was consul and Varro may have held the tribunate. Varro's praetorship will have followed around 68 B.C., followed by a period as Pompey's legate in the pirate war, as a result of which he was awarded the *corona rostrata.* A governorship, perhaps of Asia, followed, possibly in 66 B.C. In 59 B.C. he was a member of the vigintivirate for carrying out Caesar's agrarian law. The 50s seem to have been occupied by research and writing, before returning to Pompey's side as legate in 49 in Spain. After Pompey's defeat Varro made his peace with Caesar, who in 47 placed him in charge of the projected public library. Although proscribed by Antony in 43, he escaped and seems to have spent the rest of his life writing.[141]

Varro's studies ranged across virtually every imaginable area of scholarship, although only the three books of an agricultural treatise, the *Res Rusticae,* and six of the original twenty-five books of the *De Lingua Latina*, his account of the Latin language, exist today. The other works, if extant at all, are represented only in the numerous fragments. We know of fifty-two works: Jerome's catalogue lists thirty-nine of those and adds that there are 'many others, which it would take too long to list. I have hardly transcribed half the catalogue'. Ritschl

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141 On Varro's life cf. Dahlmann, 'Varro', 1173-1178; Cichorius, *art. cit.* (n.137); Boissier, *Varron*, 1-26. R. Astbury, 'Varro and Pompey', *CQ* 17 (1967), 403-407 discusses Varro's attitude towards the first Triumvirate.

assumed a total of 74 works in 620 books.[142] It is unfortunate that there is no full edition of the Varronian corpus. Such an edition was attempted by Ausonius Popma and published at Leiden in 1601 (republished at Dordrecht in 1619 and at Zweibrücken in 1788 with corrections and the notes of several scholars), and is apparently not superseded by the editions of Brunetti (1884) and Semi (1965).[143] Many fragments are collected only in often obscure editions of individual works, any many more no doubt still await even that treatment.

The Varronian corpus as we know it consists of poetry (notably the *Saturae Menippeae*, though the precise nature and purpose of these has still not been satisfactorily elucidated), works on language (notably the *De Lingua Latina*) and literature (including one on libraries) and various encyclopaedic works as well as the specialised agricultural, geographical and philosophical works. But if there were one area on which Varro's fame rested in antiquity, then that area is probably his antiquarian works. It is these to which Cicero accorded the highest praise:

> We were like strangers wandering around our own city: your books have, so to speak, led us home and we can now see who we are and where we have come from. You have revealed the age of our homeland and its calendar [*discriptiones temporum* might also refer to Roman history or chronology]; you have illuminated sacral law, the *disciplina* of the priesthoods, of

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142 Jerome, *Epp.* 33.2. Cf. Quint., *Inst.* 12.11.24; Cic., *Att.* 13.18. On the catalogue cf. F. Ritschl, 'Die Schriftstellerei des M. Terentius Varro', *RhM* 6 (1848), 481-560; *id.*, 'Über des Hieronymus varronische Schriftenkatalog', *RhM* 12 (1857), 147-154 (both repr. in *Opuscula Philologica. III: Ad litteras Latinas spectantia* (Leipzig, 1877), 419-505 and 522-530 respectively); G. L. Hendrickson, 'The provenance of Jerome's catalogue of Varro's works', *CPh* 6 (1911), 334-343; and Dahlmann's summary, 'Varro', 1181-1183.

143 *M. Terenti Varronis operum quae extant nova editio* (Leiden, 1601); *M. Terenti Varronis opera omnia quae extant. Cum notis J. Scaligeri, A. Turnebi, P. Victorii et A. Augustini. His accedunt tabula naufragii seu fragmenta ejusdem auctiora et meliora*, etc. (Dordrecht, 1619); *M. Terenti Varronis libri de lingua latina quae supersunt et fragmenta eiusdem. Accedunt notae Antonii Augustini, Adriani Turnebi, Josephi Scaligeri, et Ausonii Popma. Editio accurata* (Biponti, 1788); *M. Terenzio Varrone. Libri intorno alla lingua Latina riveduti, tradotti, annotati da P. Canal. Frammenti tradotti e annotati da F. A. Brunetti* (Venice, 1874); M. Terentius Varro, *Opera* (Scriptorum Romanorum quae extant omnia 39-46) cur. Francisco Semi (Venice, 1965). Of these only the Bipontine edition has been accessible. Cf. N. Horsfall, 'Varro, *Res Divinae*', *CR* 29 (1979), 46-48, p.46. Note also the earlier collection of fragments of Varro made by Riccobono: *Antonii Riccoboni Rhodigini de historia commentarius. Cum fragmentis ab eodem Antonio summa diligentia collectis M. Porcii Catonis Censorii, Q. Claudii Quadrigarii, L. Sisennae, C. Crispi Sallustii, M. Terenti Varronis, et scholiis eiusdem Antonii in eadem fragmenta* (Venice, 1568).

> domestic life and of warfare, and the location of regions and places; you have revealed the names, classification, functions and origins of all [Rome's] divine and human institutions.[144]

Cicero is evidently referring to the *Antiquitates Rerum Humanarum et Divinarum* which was perhaps Varro's *chef d'oeuvre* and which became the seminal work of Roman antiquarianism, attracting much attention throughout antiquity and providing the base for future antiquarian works. Cicero's description in the *Academica* of Varro's contribution to the Roman people's understanding of itself points to the wide-ranging interests of Varro as represented in the *Antiquitates*: the age and history of Rome, sacral law, the *disciplina* of the priesthoods, of domestic life and of warfare, are all attested by the fragments as having found a place within the great work, but also appear in the fragments of the numerous individual works.

Cicero's summary of the *Antiquitates* is supplemented by Augustine, who outlines the plan of the *Res Humanae* briefly and that of the *Res Divinae* in more detail. As virtually everything we know of the structure of the *Antiquitates* comes from Augustine, it is worth quoting the passage in full:

> Varro wrote 41 books of *Antiquitates*, which he divided into *Res Humanae* and *Res Divinae*: he allotted 25 books for human matters and 16 for divine. Within this division, he placed six books in each of four parts of the *Res Humanae*, considering the questions 'who?', 'where?', 'when?' and 'what?' In the first hexad, then, he wrote about men [*de hominibus*], in the second hexad about places [*de locis*], in the third hexad about times [*de temporibus*], and in the fourth and final hexad about things [*de rebus*]. But four times six make twenty-four. But he placed a single book at the start, which discussed everything in general.
>
> In the *Res Divinae* he maintained the same division, as far as concerned the worship of the gods. For rites are carried out by men in places and at times. In each of these four divisions he placed three books: the first three books he wrote about men, the next about places, the third about times and the fourth about sacred rites, setting out here also the neat distinction between those who worship, where they worship, when they worship and how they worship.
>
> But because he needed to say what was worshipped (this was what his readers particularly hoped for), he wrote a final three books on the gods themselves, so that five times three make fifteen. But, as I said, there were a

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144 Cic, *Acad.* 1.3.9 (this passage is reproduced by Augustine, who summarises the Romans' praise of Varro, *CD* 6.2). Note that Quintilian saw Varro as having contributed more to historical knowledge than to eloquence (*Inst.* 10.1.95).

total of sixteen books, since he added a single book at the beginning of these, to provide a general introduction.

Having done this, he went on to subdivide this five-part division: the first three books, which dealt with men, he subdivided such that the first was on pontiffs, the second on augurs, and the third on the *quindecimviri sacrorum*; the second three on places, such that in one of them he speaks about shrines [*de sacellis*], in another about temples [*de sacris aedibus*] and in the third about sacred places [*de locis religiosis*]. Then the next three, following those, were about times, that is, about festivals: one of them he wrote on *feriae*, another on games in the circus and the third on theatrical performances [*de feriis, de ludis circensibus, de ludis scaenicis*]; of the fourth three books on sacred rites, he devoted one to consecrations, one to private rites, and the last to public rites [*de consecrationibus, de sacris privatis* and *de sacris publicis*]. At the end, in the three remaining books, following this virtual parade of rituals, come the gods themselves, the objects of this whole system of worship: certain gods in the first book, uncertain gods in the second and special and select gods in the third [*de dis certis, de dis incertis* and *de dis praecipuis atque selectis*].

In a fragment from the twentieth book of the *Res Humanae*, Varro himself tells us something of the work's division: "I have set out what relates to mankind in a four-fold division: men, places, times, things."[145]

Of the *Antiquitates* (and indeed of the whole Varronian *oeuvre*), the *Res Divinae* has attracted most attention from antiquity to modern times, and indeed is the source of most of what Gellius and Macrobius have to say about Rome's religious institutions, as well as being used widely by Dionysius of Halicarnassus and Servius.[146] The *Res Divinae* was dedicated to Julius Caesar, and, whether or not it can be seen as contributing to any religious reforms which Caesar may or may not have intended to introduce, it clearly forms a (no doubt influential) part of the remarkable upsurge of interest and writing on religious

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145 *CD* 6.3; *RH* Bk. 20 *ap.* Non. p.92, 11ff.M. J.H. Waszink, 'Varrone nella letteratura cristiana dei primi secoli', *Congr. Stud. Varr.*, 209-223 concluded (p.223) that, in contrast to the earlier Christians' interest in Varro for predominantly polemical purposes, the works of Augustine display a noticeable interest in the structure and erudition of Varro's works.

146 Cf., e.g., Dion. Hal., *Ant. Rom.* 2.21.2: 'I am merely repeating what Varro, the most learned man of his age, has written in his *Antiquitates*.' On Servius see R. B. Lloyd, 'Republican Authors in Servius and the Scholia Danielis', *HSPh* 65 (1961), 291-341 esp. pp. 309-313. The most recent and best edition of the *RD* is that of B. Cardauns, *M. Terentius Varro Antiquitates Rerum Divinarum. Teil I: Die Fragmente. Teil II: Kommentar* (Wiesbaden, 1976). A list of previous editions appears on p. 8.

matters in the late Republic.[147] At this point, it is worth mentioning one interesting text: Verrius Flaccus, in discussing the ranking of the priesthoods, explains tht the *pontifex maximus* is so called because he is held to be the *iudex atque arbiter rerum divinarum humanarumque.* While one cannot say whether Varro's choice of title was influenced by an accepted description of the *pontifex maximus*, an office held by Caesar, or whether Verrius Flaccus is (sub)consciously recalling Varro's title, it is extremely tempting to see some connection.[148]

Augustine's clear summary, together with the relative frequency of citations from the work, has resulted in a number of published editions of the fragments of the *Res Divinae.* As we shall see, however, the *Res Divinae* presents difficulties of its own, for in considering the work from an antiquarian rather than a theological point of view, we come up against the problem of its particularly unbalanced transmission.

When we turn to the *Res Humanae*, matters are less clear still. We know of the division of its twenty-five books into four hexads, *de hominibus, de locis, de temporibus* and *de rebus* (plus a general introductory book), but we are not given the titles of the individual books, which are, therefore, with two exceptions, no longer known, although Mirsch, in his edition of the fragments of the *Res Humanae*, allocated titles to the books, with varying degrees of probability and with little or no authority.[149] The two exceptions come from Gellius who tells us that one book was *de diebus* and another *de bello et pace*: these presumably came respectively from the hexads on times and on things.[150]

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147 The dedication is attested by Lactantius, *Div. Inst.* 1.6.7 and Augustine, *CD* 7.35. For writing on religion in the late first century B.C. cf. Boissier, *Varron*, 294, 305-310; Jocelyn, *art. cit.* (n.5); Momigliano, *art. cit.* (n.52); J.A. North, 'Religion and Politics, from Republic to Principate', *JRS* 76 (1986), 251-258.

148 Fest., 185 *ordo sacerdotum.*

149 P. Mirsch, 'De M. Terenti Varronis Antiquitatum Rerum Humanarum libris XXV', *Leipziger Studien zur classischen Philologie* 5 (1882), 1-144. Cf. also the summaries of Boissier, *Varron*, 172-181, and Dahlmann, 'Varro', 1229-1234. O. Gruppe, 'Die Überlieferung der Bruchstücke von Varros Antiquitates rerum humanarum', in *Commentationes Philologae in Honorem Theodori Mommseni* (Berlin, 1877), 540-554 gives a lucid account of the various sources of the fragments of the *RH*; on Gellius' contribution see p. 546.

150 *NA* 3.2 and 1.25; Mirsch allocated these to Book 16 and Book 22 of the *RH*.

The paucity of fragments means that any reconstruction of the *Res Humanae* must remain hypothetical, though we may suggest that the first hexad *de hominibus* dealt with the origins of the Roman people - as Cicero says 'who and whence we are' - from the time of the Trojan war and the flight and travels of Aeneas to at least the capture of Rome by the Gauls.[151] Given that Varro was talking *de hominibus*, Boissier was surely correct in suggesting that he discussed in turn Romulus and the other kings of Rome and those citizens who were in some way illustrious and whose names were attached to some event, institution or monument of the past; there may also have been a discussion of the origins of the Roman people. Mirsch's suggestion that Book 7 of the *Res Humanae* was *de magistratibus* is far from certain: it is based on one fragment, preserved by Festus, dealing with canvassing.[152] It is important to note Augustine's comment that Varro wrote the books of the *Res Humanae* "non quantum ad orbem terrarum, sed quantum ad solum Romam pertinet": both parts of the *Antiquitates* were very Romano-centric and it is in this light that we should read fragments which seem to deal with the origins and gods of neighbouring cities: Mirsch's suggestion that Book 3 was *de ceteris Italiae gentibus* seems questionable.[153] The next six books *de locis* dealt with the topography and monuments of Rome - the material in the fifth book of the *De Lingua Latina* was no doubt only a summary of what Varro had said here - and the geography of Roman Italy, particularly the fertility of its lands, a subject to which he returned in the *Res Rusticae*.

Varro's establishment of the age of Rome, that is the date of the foundation of the city, is perhaps the best known result of the researches which will have been contained in the section *de temporibus*, and Gellius provides from Book 17 and Censorinus from Book 18 fragments relating to the date of the establishment of Rome. The idea (due to Mommsen) that it was in the *De Gente Populi Romani*

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151 Cic., *Acad.* 1.3.9; Lydus, *Magg.* 3.74. The material in this section must have had much in common with works such as the *De Initiis Urbis Romae*, *De Familiis Troianis* and particularly the *De Gente Populi Romani*: unfortunately these are all as poorly preserved, if not more so.

152 Boissier, *Varron*, 174; Festus, 347 *suffragatores*.

153 *CD* 6.4. The reference to Italian gods in *RD* frg. 33 Card. is probably to be seen in the context of borrowings by Rome: cf. Rawson, *Intellectual Life*, 26. Cf. also *LL* 5.144. Jocelyn, *art. cit.* (n.5), 187 notes that in the *RD* Varro (seems to have) "ignored the Etruscan *haruspices*, despite the attention which the Senate and individual Roman aristocrats paid to the pronouncements of the latter during the first century B.C."

that Varro dealt particularly with the foundation of Rome seems doubtful, since it is unlikely that the small scale of the *De Gente* would have allowed such a necessarily large excursus.[154] Other fragments suggest, however, that much of this hexad dealt with the calendar, a subject of recurring interest to the Roman antiquarians: Mirsch allotted one book each *de diebus, de mensibus* and *de annis*, and this is surely at least part of what Cicero referred to as *discriptiones temporum*.[155]

The fourth hexad *de rebus* dealt with the institutions of the *res publica*. As has long been noted, however, it is unfortunate that there are very few fragments from this section.[156] The first book, the twentieth of the whole *Res Humanae*, seems to have been a general introduction to those subjects which were studied in detail in the following five books (that is, the organisation of the state in times of war and of peace) and to have taken as its starting point the events following the expulsion of the kings, continuing with an account of early Republican legislation.[157]

It is most peculiar that all the fragments of Book 20 of the *Res Humanae*, and incidentally also 110 of the total of 116 fragments of the *De Vita Populi Romani*, come from Nonius, the fourth century compiler of a predominantly lexicographical work entitled *De Compendiosa Doctrina*.[158] With very few exceptions Nonius seems to have been the only one to have reproduced anything from the more general descriptions to be found in Varro's works. On the one hand this squares very well with the common conception of the people of later centuries as being unwilling or unable to wade through the vast entirety of works such as Varro's *Antiquitates*, though Nonius does preserve a very small number

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154 *NA* 1.16.3; Censorinus, *De Die Nat.* 17.15; cf. 21. T. Mommsen, *Die römische Chronologie bis auf Caesar* (Berlin, 1858), 143.

155 *Acad.* 1.3.9. Mirsch, however, took this as the title of a book on chronography. On this hexad see O. Gruppe, 'Über die Bücher XIIII bis XVIIII der Antiquitates humanae des Varro', *Hermes* 10 (1876), 51-60 and G. Ranucci, 'Due fonti di Plinio il Vecchio nel brano *de spatiis vitae longissimis* (*N.H.* 7, 153-159)', *Athenaeum* 54 (1976), 131-138.

156 Cf. Boissier, *Varron*, 179f.; Mirsch, *op. cit.* (n.149), 45.

157 The fragments of *RH* Book 20 have been edited with an Italian translation and (predominantly linguistic) commentary by G. Ranucci, 'Il libro XX delle "Res humanae" di Varrone', *Studi Noniani* 2 (Genoa, 1972).

158 Cf. H. Nettleship, 'Nonius Marcellus (I)' in *Lectures and Essays on subjects connected with Latin Literature and Scholarship* (Oxford, 1885), 277-294, and Schanz-Hosius §826.

of fragments from the other books of the *Antiquitates*.[159] On the other hand, this pattern of preservation implies that the antiquarians and various compilers and epitomators of the period between Varro and Nonius shared the former's own preferences for discussions of detail. It should, however, be mentioned that Lindsay hesitantly proposed that one of Nonius' sources might have been a glossary, mainly of Varro, and including Book 20 of the *Res Humanae*, though Lindsay also identified five other collections of works by Varro, which were used by Nonius.[160]

Most of the fragments from the hexad *de rebus* of the *Antiquitates* are from the book *de bello et pace*, though all deal with the the military organisation of Rome. On the other hand, Book 21 is most relevant in the present work, for it seems to have dealt with the Roman magistracies, the area of antiquarian writing at which I shall look more closely in Chapter Five. I should mention here the evidence which Gellius provides for the subdivision of Book 21 into a number of parts, each of which apparently dealt with a different magistracy: no doubt other books were similarly sub-divided.[161] The division and subdivision into various categories is a feature of Varro's work: Gellius implies a section *de ratione vocabulorum* at the beginning of the fourteenth book of the *Res Divinae*, and we may compare the evident divisions into four of the satire *Nescis quid vesper serus vehat*, the Εἰσαγωγικός *ad Cn. Pompeium* and the letter to Oppianus in the fourth book of the *Epistolicae Quaestiones*. In the latter we can see the same division into men, places, times and things as is found in the *Antiquitates*.[162]

The four books *De Vita Populi Romani*, which apparently had their inspiration in Dicaearchus' Βίος Ἑλλάδος and were dedicated to Atticus, seems to have reproduced much of the material which would have been included in the last six books of the *Res Humanae*: it was "a picture of life in all its aspects as

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159 One each from *RH* 1, 2, 3, 14, 16, 22, *RD* 2, 3, 4, 6, 7, 16; two each from *RD* 11 and 14; and three from *RD* 1. Augustine is the obvious exception to this picture, and may perhaps be taken as proving the rule.

160 Lindsay, *op. cit.* (n.86), 10 (List 35).

161 *NA* 13.13.4: "Hoc Varro in ea libri parte de aedilibus, supra autem in eodem libro quaestores ..."

162 *NA* 1.18.3; 13.11.3; 14.7. Cf. K. F. Kumaniecki, 'De Varronis libro isagogico ad Pompeium eiusque dispositione', *Acta Classica Universitatis Scientiarum Debreceniensis* 10-11 (1974-1975), 41-44.

the Roman people had lived it" and so dealt with ancient usages, institutions and the way of life of the Roman people through the ages.[163] It seems that Varro distinguished four ages of the *populus Romanus*, each of which he treated in a separate book; these were probably the regal period, the early Republic up to the first Punic War, the middle Republic up to the Gracchi, and the late Republic, apparently up to the civil war between Caesar and Pompey. A similar treatment appears in Florus' historical work in the second century A.D., where the *populus Romanus* is also the central character, though Florus' work is a panegyric primarily of Rome's *res gestae*.[164] The *De Vita* was perhaps Varro's most historical and least systematic work, at least as would seem from the division of the work into four chronological ages. But within the four books, Varro may have used a systematic rather than historical structure: he seems to have been more interested in the 'life and manners' of the Roman people, and political history probably only intruded when it affected this.

The four books *De Gente Populi Romani* (probably written *c.* 43 B.C.) represent a corollary to the *De Vita*, for here Varro set himself up as the 'genealogist of the Roman people' and looked at the more distant roots of its institutions.[165] From the second century A.D. one may compare the genealogical researches of Suetonius into the *gentes Octavia* and *Claudia* and those of Gellius into the *gens Porcia*, which involved the reading of the *laudationes funebrae* and a *liber commentarius de familia Porcia*.[166] Based on information in the *De Gente* on the kings of Rome who were deified after their death, Taylor saw the main aim of Varro in that work as being to provide precedents from Rome's history for the deification of Julius Caesar, in response to Cicero, who had opposed this on the grounds that it was unprecedented. This may indeed have been part of Varro's purpose; but it was surely only so in part, for the fragments show that the work was concerned with other matters also:

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163 E.D. Phillips, review of B. Riposati, *M. Terenti Varronis "De Vita Populi Romani": fonti, esegesi, edizione critica dei frammenti* (Milan, 1939), *JRS* 29 (1939), 272f. Note also Dahlmann's sound summary of the *De Vita*, 'Varro', 1243-1245.

164 The idea also appears in Seneca (*ap.* Lactant., *Div. Inst.* 7.15.14-16); Ammianus 14.6.3-6 and *IIA Catus* 2-3.1. Cf. J.M. Alonso-Núñez, *The Ages of Rome* (Amsterdam, 1982).

165 P. Fraccaro, *Studi Varroniani. De Gente Populi Romani libri IV* (Padua, 1907), 69f. Cf. Boissier, *Varron*, 181-187; Dahlmann, 'Varro', 1237-1241; and T. P. Wiseman, 'Legendary Genealogies in Late-Republican Rome', *G&R* 21 (1974), 153-164.

166 Suet., *Aug.* 1-2; *Tib.* 1; *NA* 13.20.17.

indeed as Fraccaro showed, it was only in the fourth book that Varro turned to the earliest history of Rome. As always, the problem is that we do not know how representative of the work as a whole are the fragments which survive. Were Varro in the *Res Divinae* more concerned to present Rome's religious institutions as part of the state's political structure, rather than as part of the spiritual experience of the Roman people, then might we not see the discussion of apotheosis as one further rationalisation of the nature of religion and divinity?[167] If Taylor were right to conclude that "the *de gente populi Romani* is then to be included in the literature of propaganda issued by the supporters of Octavian and Antony in the years of their struggle for power", then it is interesting to note the way in which the antiquarians expressed such support: included in (or perhaps disguised as) a work of scholarship.

Given that in the *De Gente* Varro looked at periods which he himself described as 'obscure' and 'mythical', before progressing to the 'historical' period, the extent to which this is an antiquarian work may be questioned, for antiquarian works seem to have sought to present as factual account as possible. It is also worth noting that in this work Varro strays from the emphatic Rome-centredness of most Roman antiquarian writing to mention matters such as the origin of the name of Athens.[168] In the *De Gente*, as elsewhere, Varro made use of such documents as were available: he uses a chronology, apparently based on that of Castor, derived from the lists of Sicyonian, Argive, Athenian, Laurentine, Latin and Alban kings. Yet his description of the two periods of pre-history as 'obscure' and 'mythical' indicates clearly that Varro knew that he was on less secure ground when dealing with these matters. Dahlmann may well be correct to see Varro's secondary aim as to provide what would be seen today as an historian's account of these periods, in contrast to the more usual *fabulae* of the poets. The primary aim was to show the origins of the Roman people. Dahlmann also makes the important point that, however much Varro owed to Greek works for the chronological basis of the *De Gente*, this work

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167 L.R. Taylor, 'Varro's *De Gente Populi Romani*', *CPh* 29 (1934), 221-229 (on the date of publication of the *De Gente* see p.221); Fraccaro, *op. cit.*, 219ff.

168 August., *CD* 18.9.

broke new ground: it was not a chronography, but used Greek chronographic researches in an apparently new way, to trace the origin of the *gens Romana* back to the earliest periods; and no Greek work is known to have had a title parallel to that of the *De Gente Populi Romani*, unlike the *De Vita Populi Romani*, which appears to be an imitation of, or at least was inspired by, Dicaearchus' Βίος Ἑλλάδος. It is interesting to see how Varro can use the researches of others to construct an entirely new, and in this instance unprecedented, work.[169]

The content remains unknown of the other works, for which an antiquarian basis may be supposed: *Aetia* (presumably on the analogy of Callimachus' Αἴτια), *De Familiis Troianis* (evidently closely related to the *De Gente)*, *Tribuum liber* and *Res Urbanae.* It has been suggested that the *De Familiis Troianis* might have been written to justify the creation of new patricians in 45 B.C., as Hyginus' work of the same title may have done for those created in 29 B.C.[170] Alternatively, Varro's work could have been a reaction to the creation of new patricians: an attempt to set out the basis on which such actions should be carried out. The work may have justified the action, criticised it, or simply presented the facts as they could be ascertained at the time: it may also have had no connection with the creation of new patricians.

a) Varro: the problem

The difficulties of working on Varro are great. This is due essentially to the very incomplete and unbalanced transmission of the fragments, which are preserved by a number of writers: it is impossible to do more than conjecture how these fragments relate to the works from which they have been taken, and the problem is complicated by those fragments which are not attributed by our

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169 On the distinction of the three eras, cf. Censorinus, *De Die Nat.* 21.1-5. Dahlmann, 'Varro', 1239, 1241.

170 On the *Aetia* cf. L. Mercklin, 'Aetia des Varro', *Philologus* 3 (1848), 267-277. P. Toohey, 'Politics, Prejudice and Trojan Genealogies: Varro, Hyginus, and Horace', *Arethusa* 17 (1984), 5-28 sets out to explain the popularity of Trojan genealogies in the late Republic and early Principate. More generally, cf. Dahlmann, 'Varro', 1241f.

sources to particular books or even works. Suetonius provides an interesting parallel: as Wallace-Hadrill notes,

> we are hampered by the meagreness of his *corpus* - it is always salutary to remember how small a proportion of this the *Caesars* formed ... fragments are no more than enticing glimpses: they give no idea of a work as a whole, nor of the purpose and drive behind it.[171]

In the case of Varro further difficulties arise from the fact that he was prone to recycle the same material in different works.[172] The *De Lingua Latina*, for instance, seems in large part to have been a distillation of material in the *Antiquitates*, of which Varro also produced an epitome. We would do well not to denigrate this 'recycling'. Rather, we should surely see some degree of sophistication in the way in which Varro could select and restructure material from a comprehensive study of the life and mores of the Roman people, for a work on the Latin language.

Varro's influence was undoubtedly seminal - such that Gellius' citations from Varro have even been compared to Gellius' predilection for the proverbial[173] - and his great *auctoritas* is exemplified, for instance, in Pliny's *Naturalis Historia*: Pliny frequently adds a brief descriptive note on those writers whom he cites; thus Cicero is *extra omnem ingenii aleam positus*, Livy is an *auctor celeberrimus*, L. Piso was a *gravis auctor* of *annales*, Cassius Hemina was a *vetustissimus auctor annalium* and so on.[174] But Varro, who is mentioned several times in the preface and reappears throughout the work, never receives such an epithet. Similarly in his catalogue of eminent men Pliny singles out Ennius, Vergil, Varro and Cicero as examples of Roman intellectuals: Cicero's merits are expounded at some length, Ennius and Vergil are mentioned as poets, but of Varro all that Pliny has to say is that he was the only living person to be represented by a statue in the library founded by Asinius Pollio. There is no mention of why Varro should have been so honoured, only that Pliny regards

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171 Wallace-Hadrill, *Suetonius*, 41. The basic premise of Skydsgaard, *Varro* is that too much attention has been paid to Varro's fragments to the detriment of the *RR*, Varro's only fully surviving work, and the information which it can provide about its author.

172 As an example Dahlmann, 'Varroniana', 6 and Boissier, *Varron*, 29 n.2 both cite the etymology of *multa* which reappears (in what we have) three times.

173 Berthold, *Gellius*, 46. Gellius indeed calls Varro's works on analogy *loci communes* (*NA* 2.25.10f.). Cf. also *NA* 19.14.2. On the importance of Varro in late antiquity cf. Maslakov, *art. cit.* (n.38), *passim*.

174 *NH* pref. 7; pref. 16; 2.54.140; 13.27.84.

his selection *ex illa ingeniorum quae tunc fuit multitudine* as being no less an honour than his having been awarded the *corona navalis* by Pompey.[175] Varro was Varro and, Pliny presumably considered, nothing else needed to be said. It is interesting that, the title *doctissimus Romanorum* ('the most learned of the Romans') seems almost to have been reserved for Varro: remarkably few other writers progress beyond being 'the most learned of their age.' It is quite remarkable that so little survives of the vast literary output of such an influential figure.

Macrobius mentions no author, besides Homer and Vergil, as often as he does Varro, and in addition much Varronian material has been detected in the *Saturnalia* without being credited to him explicitly, or by name. Biuso was clearly on the right lines when he suggested that when Macrobius omits to mention Varro as his source, it was not for reasons of vanity, but because he did not know that the material was from Varro, since his name was not in Macrobius' sources:

> cum de rebus ageretur quae olim a Varrone traditae et dein a multis imitatoribus iam exscriptas demum lapsu temporis veluti communes et pervulgatae putabantur, obtinuerat quidem consuetudo vetustioris magistri qui prior talia docuerat nomen omittendi.[176]

Naturally this creates problems with regard to the identification of Varronian material. Possibly it was felt that Varro needed to be named as one's source only when some might doubt the correctness of one's information: thus Gellius says that he would have doubted that the epitaph of Plautus was written by the poet himself, "nisi a M. Varrone positum esset in libro *de poetis* primo"; and he refers elsewhere to *agresti et indomiti certatores* who are satisfied only by the citation of authorities before, in the next sentence, going on to cite as his *auctoritas* none other than Varro.[177]

The problem can also be reversed. Varro's propensity to re-use his material is made explicit by Gellius in an article which preserves the most important fragment of Varro's *Epistolicae Quaestiones*, a fragment which in its turn repeats

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175 *NH* 7.29.115. The latter award seems also to be mentioned by Festus, 162 *navali corona*. At *NH* 25.46.160 Pliny happens to mention that Varro arranged a Pythagorean-style funeral for himself.

176 Biuso, *op. cit.* (n.133), 13.

177 *NA* 1.24.3; 12.10.3. Cf. 10.1.5.

information contained in Varro's earlier work, the Εἰσαγωγικός *ad Gnaeum Pompeium*, which was written for Pompey as an introduction to the workings of the Senate and which was lost in Varro's own lifetime.[178] This article also provides a good illustration of the problem of how much of the material attributed to Varro is actually his, given that those who quote him may not always have read Varro's works themselves, but rely on material transmitted indirectly by other writers. In view of the importance of this extract from Varro and since it can also serve as an example of the difficulties encountered regarding much of Varro's writing, I shall explore its complexities in more depth.

In this fragment Varro enumerates those magistrates who had the power to convene the Senate and to issue *senatusconsulta*: these he lists in their order of priority, should it come to pass that all were in Rome at the same time. At the bottom of this list comes the *praefectus urbi*, thereby implicitly recognising that this official functioned only when the other magistrates were out of the city. This reflects the original function of the urban prefect: but the office fell into abeyance following the establishment of the urban praetorship in the wake of the Licinio-Sextian legislation.[179] The Εἰσαγωγικός was written for Pompey's first consulship in 70 B.C., that is some time before the reintroduction of the office of the *praefectus urbi*.[180] So it is unlikely, though not impossible, that the reference to the prefect came from that. But Gellius professes to be quoting from the later *Epistolicae Quaestiones*: the precise date of this work is unclear, but since the passage goes on to refer to the *curia Julia*, which was only completed and dedicated by Augustus in 29 B.C. (Varro died in 27 B.C. at the age of ninety), then a date some time after this might seem likely.[181] Hence this list of magistrates may also have been updated from that provided to Pompey to take account of the early institutions of the Augustan principate. Another explanation would be that Varro intended the reader to understand that he meant the *praefectus urbi feriarum Latinarum causa*, but this seems unlikely, since in

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178 *NA* 14.7. Cf. Kumaniecki, *art. cit.* (n.162). On the loss of many of Varro's works cf. *NA* 3.10.17.

179 The *praefectura urbi* proper seems to reappear first when Julius Caesar appointed prefects instead of praetors and it was placed on a firm footing when the office was re-instituted by Augustus: note that Suetonius includes it among the *nova officia* instituted by Augustus: Suet., *Jul.* 76.2; *Aug.* 37. Cf. also Dio 43.28.2; Tac., *Ann.* 6.11.

180 *NA* 14.7.1-2.

181 *NA* 14.7.7. Gellius twice says this is from Varro: at the inherently emphatic positions at the beginning and end of the extract (§§3 and 11).

the next article of the *Noctes Atticae* Gellius refers to Varro's discussion of this latter prefect in the same book of the *Epistolicae Quaestiones*.[182] We may also be able to suggest a *terminus ante quem* for this extract: in 23 B.C. Augustus seems to have been given the right to decide which piece of business should be dealt with first at a meeting of the senate, and in 22 B.C. Augustus was empowered to convene the senate whenever he liked.[183] As this fragment takes no account of such prerogatives, it may have been written before they were granted. The key to this particular problem may well lie in the other connection between these two articles: in both Gellius also refers to the fourth book of Ateius Capito's *Coniectanea*.[184]

Frederking suggested that a substantial portion of Varro's text, together with the additions and comments of Ateius Capito, made up one book of the latter's *Coniectanea*.[185] As Mercklin noted, the presence of additions and observations of Capito does not exclude the possibility that he had also reproduced Varro's text in full.[186] This adds a further complexity: did Gellius distinguish between Varro's text and Capito's notes on it? The presumption (oddly not mentioned by Capito's modern vindicator and editor, Strzelecki) that Capito is Gellius' source for the entirety of these two articles is consolidated by the apparently anachronistic view of Junius Gracchanus that the *praefectus urbi feriarum Latinarum causa* may not summon the Senate 'because he is appointed prefect at an age when he is not eligible to join the Senate'. If the views attributed to Gracchanus were reproduced from Varro, as might in itself not be unlikely, this would be the only indication that what became normal during the Principate was also the norm in the Republic.[187] Thus we may also see Capito's hand in the reference to the *praefectus urbi* and perhaps in that to the *triumviri reipublicae constituendae*, who also figure in the list of those who could chair the Senate. Similarly, the mention of the *curia Julia* could be an addition of Capito. These are less likely to be additions of Gellius, who usually seeks to ensure that his

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182 *NA* 14.8.2.
183 Dio 53.32.5; 54.3.3.
184 *NA* 14.8.2; 14.7.12f. Strzelecki, *art. cit.* (n.64), plausibly corrects the corrupt manuscript reading so that both citations come from Book 4, *de officio senatorio* of the *Coniectanea*.
185 Frederking, *art cit.* (n.59), 655.
186 *Ibid.*, n.4.
187 Cf. Suet., *Nero* 7.2; *HA Marcus* 4.6; Dio 42.2; 53.33.3 etc.

readers know when he has been able to improve or correct what the *veteres* had said. While Strzelecki is remarkably, and laudably, cautious in identifying fragments of Capito in the *Noctes Atticae*, his assertion is undoubtedly correct that "Gellius ... Atei Capitonis scripta optime noverat atque permulta inde in Noctes Atticas transtulit".[188] We might, however, have expected Capito to have also added information of Augustus' prerogatives granted in 23 and 22 B.C. regarding the summoning of the Senate and the conduct of its business: on the other hand the absence of any mention of such arrangements might provide a *terminus ante quem* for this part of the *Epistolicae Quaestiones*.[189]

The crux here is our ignorance of the date of Varro's *Epistolicae Quaestiones*: we have nothing outside these articles of the *Noctes Atticae* to act as a control, to affirm or deny just what Varro might have written; and the same is true of many other fragments. Thus we cannot even always be certain that material explicitly attributed to Varro is indeed his, although we may presume that he did discuss whatever subject is under consideration. It follows that the authorship of material which *might* stem from Varro is even more hypothetical: as Cardauns noted (of the *Res Divinae*, though it is equally true of other areas of Varro's interests),

> nicht alles, was der Gelehrsamkeit Varros zuzutrauen ist, muß ihr auch wirklich verdankt sein, zumal über die mit dem öffentlichen Leben Roms so eng verbundene Staatsreligion zahlreiche fast oder ganz verschollene Antiquare, Grammatiker, Juristen, Historiker und Buntschriftsteller gehandelt haben.[190]

Another problem arises from the unbalanced transmission of the fragments of Varro's works. Many of the fragments of the *Antiquitates Rerum Humanarum* come from the last six books on the institutions and customs of Rome: while this is clear evidence that it was precisely these subjects which were regarded as the most important by later antiquarians, it does mean that we are even worse informed about the other three hexads. Furthermore, most of the fragments of the last hexad of the *Res Humanae* come from Gellius, and indeed this can be

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188 Strzelecki, *op. cit.* (n.59), 19 (p. xxii in the Teubner).

189 Cf. Dio 53.32.5; 54.3.3.

190 Cardauns, *art. cit.* (n.133), 81. Note also Glaesser, *art. cit.* (n.107), who, having denied Varronian authority for much of Plutarch's information, professes (p.224) "spero fore ut ad adiuvanda studia Varroniana aliquantulum attulisse videar, si quidem, quanta cautione in colligendis Varroniorum librorum frustulis opus sit, ostendi."

stated more broadly: much Varronian material, especially that relating to Rome's political institutions, is preserved only through the *Noctes Atticae*, although Augustine's extensive use of the *Res Divinae* makes that part of the *Antiquitates* an important, but unique exception.[191] So it is difficult to gauge how typical of the *Res Humanae* is what Gellius preserves. An example is the discussion of which magistrates have the power of summons and which the right of arrest, referring particularly to praetors, quaestors and aediles: we have little idea of what else Varro had to say about those magistracies.[192]

By virtue of the comparatively greater number of fragments preserved from the *Res Divinae*, the same unbalanced transmission of those fragments is even clearer. All interest from late antiquity to modern times has concentrated on the first book, in which Varro presented his general thoughts on religion, including the theory borrowed from the Stoics via Quintus Mucius Scaevola, of a tripartite theology, and on the last three books on the gods.[193] To illustrate this one need note only the scope of Agahd's edition, *M. Terenti Varronis Antiquitatum Rerum Divinarum Libri I, XIV, XV, XVI.*[194] As Hagendahl noted "the four sections dealing with men, places, times and things, which correspond to the division of *Rerum humanarum libri*, have left indubitable traces neither in *De civitate* nor in other works".[195] Even regarding the three books on the gods we do not have a balanced picture, for it was the *dii certi* of Book 14 which most attracted Augustine's attention: in the fourth book of the *Civitas Dei* he concentrates on (ridiculing) the multiplicity of pagan gods by listing a great number of them, and suggesting that there were still more.[196] The seventh book of the *Civitas Dei* deals almost entirely with the *dii selecti* from Book 16 of the *Res Divinae*: the *dii incerti* of Book 15 are hardly mentioned. Cardauns notes that the picture is

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191 The most considerable fragment of Varro's *Epistolicae Quaestiones* comes from *NA* 14.7 and those of the lost books of the *De Lingua Latina* from *NA* 2.25 and 16.8.

192 *NA* 13.12; 13.13.

193 *CD* 4.27. *CD* Book 6 seems to follow *RD* Book 1 closely. A summary of modern work on Varro's theology is provided by G. Lieberg, 'Die *theologia tripertita* in Forschung und Bewegung', *ANRW* 1.4 (1973), 63-115.

194 R. Agahd, 'M. Terenti Varronis Antiquitatum Rerum Divinarum Libri I, XIV, XV, XVI. Praemissae sunt quaestiones Varronianae', *Jahrbücher für classische Philologie*, Suppl. Band. 24 (Leipzig, 1898), 1-220, 367-381. Similarly Jocelyn, *art. cit.* (n.5), not only limits himself to the *RD*, artificially excluding virtually any mention of the *RH*, but restricts himself (pp. 192-203) to 'The Content and Arrangement of Books I, XIV, XV and XVI of the *Antiquitates Rerum Divinarum*'.

195 H. Hagendahl, *Augustine and the Latin Classics* (Göteborg, 1967), 602.

196 *CD* 4.8; 4.21 etc. Cf. 4.11: "haec omnia quae dixi et quaecumque non dixi (non enim omnia dicenda arbitratus sum)".

similar with Tertullian, who, however, uses mainly the first, fourteenth and fifteenth books of the *Res Divinae*, though not to the exclusion of Book 16.[197] A further difficulty arises from the possibility that, on occasion, Augustine may have distorted what Varro had to say.

The use made of Varro's *Antiquitates* by the Church Fathers was then extremely selective, and one might almost presume that Books 1, 14, 15 and 16 of the *Res Divinae* were circulating separately in Christian circles at least:[198] Varro was, as the disposition of subjects within the work shows, rather more interested in the religious institutions of Rome than the deities. As Jocelyn notes,

> students hitherto have been excessively influenced by the context in which most of the surviving fragments appear. It looks at first sight as if Varro's work was mainly concerned with the objects of pagan worship, the beliefs held about them and their true nature. Three-quarters of the work dealt in fact with other matters.[199]

Not only did these books on theology and the gods form only a minor portion of the whole but they even seem not to have been concerned exclusively with gods: Gellius provides three citations from the book *de dis certis* which reproduce grammatical information (the foreign origin of certain words), with the note that some of this information was presented by Varro at the beginning of Book 14 when he was talking *de ratione vocabulorum*, while some appeared later in the same book. Cardauns is surely correct in suggesting an introduction "wo Varro sich demnach über die für ihn so wichtige etymologische Methode unter allgemeinen Gesichtspunkten geäußert hat."[200] In view of the pattern of later Christian use of the *Res Divinae* it is noteworthy that of the nine fragments which Gellius provides from that work, six are from Book 14. But only one of these nine fragments is used by Gellius exclusively, or at least mainly, for the

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197 Cardauns, *op. cit.* (n.146), 127; cf. Tert., *Ad Nat.* 2.1.8; 2.2-5; 2.8-11.15. Lloyd, *art. cit.* (n.146), 311 detects a similar pattern starting to appear in the commentaries on Vergil.

198 F. Tullius, *Die Quellen des Arnobius in 4., 5. und 6. Buch seiner Schrift "Adversus nationes"* (Bottrop, 1934), 99 suggests as a source for the second half of Book 3 and for Book 4 a theological handbook, "aus dem die Götterkataloge und vielleicht auch der Abschnitt über die zu Göttern erhobenen Menschen entnommen sind."

199 Jocelyn, *art. cit.* (n.5), 153.

200 *NA* 1.18; 15.30 (=*RD* frgg. 89, 194 and 203 Card.). See Cardauns' commentary *ad loc.* for a brief discussion of the place of these fragments within *RD* Book 14.

information which it provides about a god:[201] of the remaining two, one is used to establish the length of pregnancy and the other provides information about the position in the womb of an unborn child.[202] If Varro merely catalogued the various gods without digression, then we must credit Gellius with a remarkably sophisticated approach to the use of his sources.

b) Varro's aims and achievement

Dahlmann summarises the main Greek parallels for many of Varro's works, stressing that he discovered no new disciplines and applied no new methods. But as he goes on to note, Varro's independence of such Greek models was great: he could apply Greek methods and theories, but his own input was enormous, for he applied these to a field which had previously been worked little, if at all. Similarly, Rawson saw the *Antiquitates* as "one of the masterpieces of the Roman spirit of systematisation; it is hard to find a Greek precedent for anything so large and all embracing on the religious and secular traditions of a people".[203]

Varro's achievement seems to have been not only to realise that the history of the public and private life of the Roman people remained to be written - and, at a time of such precipitate and radical change as the late Republic, needed to be written - but also that he wrote the definitive account of it. In doing so he used the techniques and sometimes, as in the *De Gente Populi Romani*, the results of Greek scholarship to produce entirely new works. And this achievement was not limited to antiquarian studies: the twenty-five books of the *De Lingua Latina* seem to have been the first such study of the Latin language; and Varro was apparently the first to bring together in one work (the *Disciplinae*) the subjects of a liberal education - grammar, dialectic, rhetoric, geometry, arithmetic, astronomy, music, medicine and architecture (the last two are perhaps his own addition) - and so made an encyclopaedia of the ἐγκύκλιος παιδεία. The

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201 *NA* 16.17 (=frg. 107 Card.). Yet even this only provides one of the possible origins of the name of the *ager Vaticanus*.

202 *NA* 3.16.6, 9f. (=frg. 98 Card.) and 16.16.2-4 (=frg. 103 Card.). The former mentions the names of the Fates, the latter those of the two Carmentes, Postverta and Prorsa, on whom see Cardauns' commentary *ad loc.*

203 Dahlmann, 'Varro', 1179f.; E. Rawson, 'The Introduction of Logical Organisation in Roman Prose Literature', *PBSR* 46 (1978), 12-34, pp.15f.

Antiquitates fulfil exactly the same function - an isagogic encyclopaedia - for those things which it was customary to learn (albeit in the absence of any formal learning structure) after one's formal education was complete. As we learn from Gellius, it was regarded as at best unworthy, at worst harmful for an educated man not to have some acquaintance with these matters.[204]

The state of preservation of Varro's works means that we have little evidence concerning his aims. A rare instance is Varro's claim that he wanted to preserve the gods from the neglect of his fellow citizens, which Augustine reproduces from the first book of the *Res Divinae*, and to which Augustine refers on a number of occasions. The immediate conclusion which might be drawn from this - and the concomitant claim that his work was more valuable than either Metellus' rescuing the *sacra Vestalia* from fire or Aeneas' rescuing the Penates from Troy - is that Varro discerned a decline in the religious observances of the Roman people and set forth a programme for reversing this decline.[205] Yet this creates as many problems as it might seem to solve.

Firstly, this claim would seem to relate only to the three books of the *Res Divinae* on the gods, which as we have seen were little more than an appendix to the work: we do not know what claims were made for the rest of the work, with which Augustine seems less well acquainted. Augustine was probably very selective in what he related of Varro's own thoughts and that, consciously or unconsciously, he extracts only what is of use to his argument: Hagendahl notes that Augustine reformed the wording of his extracts from Varro. Beard and Crawford have pointed out the danger of seeing Roman religion in the light of a "complex of essentially Judaeo-Christian assumptions as to what a religion is supposed to be and do"; and it is important to remember that Augustine's approach to Varro will have been conditioned by a similar, if not the same

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204 On the *Disciplinae* cf. Dahlmann, 'Varro', 1255-1258. *NA* Pref. 13. Cato's *Praecepta ad filium* are a predecessor of the *Disciplinae*, but apparently dealt with a different set of (more practical) subjects, less influenced by Greek education: medicine, rhetoric, agriculture, warfare, and law have been suggested. Cf. Fuhrmann, *op. cit.* (n.6), 159-163.

205 August., *CD* 6.2; cf. 4.31. In other works and other writers, such a claim would be dismissed by modern scholars as simply part of the rhetoric of introductions: cf. T. Janson, *Latin Prose Prefaces. Studies in Literary Conventions* (Stockholm, 1964), 98f.

complex of assumptions.[206] It is difficult to see how Varro's claim, as reported by Augustine, could refer to the four main sections of the *Res Divinae*; and it is worth noting that there is no parallel claim known from the *Res Humanae*: it is important to remember that the *Res Divinae* and the *Res Humanae* were both part of one work, for which one assumes there was an overall design.

Secondly, the conception of Varro as the champion of Roman religion, and the idea that he wrote his *Antiquitates Rerum Divinarum* as an attempt to 'rescue' Roman paganism not only seem to be influenced by the pagan revivalists of late antiquity, but also of course rely on the ideas that antiquarians were moralisers and saw decline wherever they looked, and that Roman paganism was in decline in the late Republic: however, recent works question the idea of religious decline in the late Republic and we shall see in the next chapter that Roman antiquarian works contain remarkably little moralising.[207] It is instructive that Augustine can argue from the *Res Divinae* that Varro did not see Roman paganism as a moral or religious necessity for the survival of Rome, and he makes it absolutely plain that Varro saw Roman paganism not as religion in a modern sense, but as an institution of the Roman state, though that does not necessarily mean that Varro did not see it as an essential institution. Similarly, the denial of the efficacity of sacrifices reported of Varro by Arnobius squares uneasily with the idea of Varro as the champion of a 'traditional' Roman religion.[208] The traditional view of a declining Roman religion in the late Republic supposes a 'pollution' of that religion by Greek philosophy and eastern cults: while this is not the place to attempt to quantify their influence in first century B.C. Rome, it is noteworthy that Augustine apparently knows no complaints from Varro about these. Surely Augustine would have reproduced any Varronian criticism of pagan cults? It is significant that for his critique of the Roman state, Augustine relies on Cicero's *De Re Publica*, Sallust, Livy and Vergil: given Varro's

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206 For his selective treatment of Cicero, cf., e.g., *CD* 4.26; 4.30. Hagendahl, *op. cit.* (n.195), 590-592. M. Beard and M. Crawford, *Rome in the Late Republic. Problems and Interpretations* (London, 1985), 26. Varro's organisation of the *RD* is entirely different to that of modern works on Roman religion, as is made clear by R. Gordon, 'From Republic to Principate: priesthood, religion and ideology', in M. Beard and J. North (eds.), *Pagan Priests. Religion and Power in the Ancient World* (London, 1990), 179-198, p. 180.

207 Cf., e.g., Beard and Crawford, *op. cit.*, 25-39; J.A. North, 'Religion and Politics, from Republic to Principate', *JRS* 76 (1986), 251-258.

208 August., *CD* 6.4; Arnob, *Adv. Nat.* 7.1.

standing - as acknowledged by Augustine - it would be well nigh inexplicable that Augustine did not make use of Varronian complaints about the moral degeneration of the Roman state.[209] It is also interesting that Gellius does not use the *Res Divinae* in the same way as he uses the *Res Humanae*: that is, to solve contemporary procedural problems; rather he has essentially grammatical information from the work. This suggests that the *Res Divinae* were less 'relevant' in the second century A.D. and we should perhaps see the work as more 'antiquarian' than the *Res Humanae,* in that the information which it contained was less 'useful' to the bulk of its possible readers, though it need not have been any less interesting to them.

It would be wrong to accuse Varro of simple moralising, or of urging the restoration of a lost past: his allegiance to Pompey and subsequent realignment to the side of Julius Caesar speak against that. There is little indication that Varro sought to prevent the change that was taking place around him. Jocelyn has argued at some length that the *Res Divinae* in no way formed "a blue-print for a practical prgramme of religious reform", and that, even if it were so motivated, there was little that its dedicatee, Julius Caesar, could do within the contemporary constitutional structures to put such a programme into operation.[210] Varro, the acknowledged expert on Rome's 'constitution' must have known this, and it is difficult to see him as advocating the supplanting of the principle of shared power by monarchy. It would be interesting to know what stance Varro would have taken with regard to the cumulation of priesthoods by Caesar and later by Augustus. Varro perhaps saw the 'divine matters', about which he wrote, as an aspect of Rome's past which had disappeared, or was about to, and which should be placed on record for posterity. Varro may well have been - perhaps consciously - preserving little more than a memory: it is not clear that he was urging that the people of Rome return to the life and manners of the good old days, whenever they were. Rather, it would seem, he sought to 'codify' the public and private life of the *maiores* before all trace of it was lost.

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209 Cf. Hagendahl, *op. cit.*, 408-419, 540-553, 631-666. For praise of Varro cf. esp. *CD* 6.2 and 6.6; and Hagendahl, *op. cit.* 628-630.

210 Jocelyn, *art. cit.* (n.5).

There is also the intellectual context of the *Res Divinae* to consider. We have already seen that much writing on religion was produced in the first century B.C., and indeed this was a period in which, as Beard and Crawford note, "religion was being exposed for the first time to self-conscious, intellectual scrutiny."[211] This enquiry into religion - and other institutions of the Roman state - required a conscious basis of knowledge about those institutions: it would seem that these institutions operated largely on an unconscious basis of practice, and so works such as Varro's *Antiquitates* can be seen not only as reflecting the new spirit of intellectual inquiry at Rome, but also as providing one of the necessary bases of that inquiry. Naturally, this intellectual scrutiny was not limited to religion: Rawson's *Intellectual Life* documents the intellectual vigour of the late Republic, marked by a self-conscious curiosity about their world and their past and by what appears as an explosion of literary culture. In a sense both Cicero and Varro were doing the same thing - bringing Greek methods and ideas to bear on Roman subjects. Varro used the methods and ideas of Greek scholarship in his scholarly writing - as he did those of Menippean satire in his own satires - just as Cicero used the methods and ideas of Greek philosophy:

> Cicero did not simply present Greek philosophical thought, for its own sake, but used it and adapted it to examine different aspects of Roman life: intellectual history in the *Brutus*; religion in *On Divination*; politics in *On the State*; morals in *On Duties*. Whatever the objective 'quality' of this writing, one should not underestimate the importance of this creative attempt to integrate things Roman with the philosophical systems of the Greeks.[212]

Gellius preserves Varro's statement of his intentions in writing the Εἰσαγωγικός *ad Cn. Pompeium*: this was a work of reference to inform Pompey, who had not sat in the senate, about the procedures of the senate. Other works can be seen in the same way: as reference works. There is no need to see the *Antiquitates* as a manifesto for anyone: their sheer size and apparent comprehensiveness would make them singularly unsuitable, for how could a work the size of the *Res Divinae* be expected to influence a large enough portion of those who mattered to have any real effect? Even from what little we know of the *Antiquitates*, it is clear that it was a major scholarly achievement, and not simply a political pamphlet.

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211 Beard and Crawford, *op. cit.*, 39; cf. also North, *art. cit.*, 254.

212 Beard & Crawford, *op. cit.*, 22; on 'the cultural explosion' of the first century cf. pp. 20-24. It must remain for another work to quantify the Greek influence on Varro.

There is no evidence that Varro sought to restore the Republic of, say, the early second century B.C. Rather, his allegiance to the triumvirs Pompey and Caesar, and the apparent calm in which he was left after the proscriptions of Antony in 43 suggest an easy acceptance of autocratic rule. It is, however, equally, if not more, difficult to see Varro and his antiquarian works as proposing the establishment of the monarchic rule of the principate, although much of his work served Augustan propaganda well, for it sought to establish ancient precedents for the principate. Perhaps Varro sought to set out a number of 'fixed points' in the changing atmosphere of the later first century B.C., though the comprehensiveness of the *Antiquitates* would speak against this, for we never hear of Varro actively having promoted any one view or institution to the detriment of another. We must not forget that Varro was remembered as, and apparently was, a true scholar: his works bear the hallmark of a self-driving curiosity such as that described by the younger Pliny with regard to the elder Pliny, though Varro's energies were directed more at Rome's past than at the natural world which occupied the elder Pliny's attention.[213]

There may once have been a political motivation, but it is difficult to conceive of a work of the size and scope of the *Antiquitates* (or Pliny's *Naturalis Historia*) as having a directly political aim. It is the product of extended scholarly research and a desire to discover 'the facts'. There are - quite naturally - the occasional comments on his own day also, but it is difficult, if not impossible, now to discern whether a comment such as 'Today things have changed' (on the relatively rare occasions when a fragment preserves any such comment) is simply an observation that current practice is different to that of the past or a biting indictment of the decline of public or private morals. Nowhere do we have sufficient context to see where this belonged in Varro's argument, or how that argument was developed. It is only rarely that we may perceive what that argument was.

Varro also seems not to have used any of the common literary methods of persuasion. Not only does Varro's main concern seem usually to have been to catalogue facts (the lists which appear in the *De Lingua Latina* are an example of

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213 Pliny, *Epp.* 3.5.

this), but he also seems to have eschewed the use of rhetoric. Varro's language has been criticised by ancient and modern critics, ranging from Quintilian's comment that Varro has contributed more to the knowledge of Rome's past than to eloquence, to Norden's judgement that 'the greatest work on the Latin language is written in the worst Latin style, which any prose work exhibits'.[214]

Aulus Gellius seems to have read at least parts of the *Antiquitates Rerum Humanarum et Divinarum*.[215] Yet he does not himself write in its tradition. Rather the *Noctes Atticae* belong in the tradition of Varro's smaller works, which it is generally agreed were written for a wider, more general audience of his fellow citizens rather than principally for scholars.[216] Closest in conception to the *Noctes Atticae* are Varro's early works, the *Saturae Menippeae*. The common view of these works is that they were meant to inform, yet in an attractive manner: thus Gellius describes the satire *Nescis quid vesper serus vehat* as *lepidissimus*. Whatever Varro's intention may have been, Gellius shows us clearly one use of the *Satires* for later generations: as presenting the right way to do something (in this case to organise a dinner party), or in other words as reference works. It must surely be the result of the *auctoritas* gained by Varro as a consequence of his encyclopaedic works, such as the *Antiquitates*, which led to even the *Satires* being used in such a way. The relationship of the *Noctes Atticae* to Varro's satires becomes clearer and closer if we note the fondness which Varro displays for ambiguous, striking or surprising titles for his satires and that Pliny contrasts Varro's satires and their intriguing titles with those of the Greeks who presented dull and vacuous information under flashy titles: despite Gellius' protestations to the contrary, the title of his work belongs precisely among the list of *festivitates inscriptionum* given in his preface.[217] Cicero has Varro suggest that his satires contained much philosophy, but as

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214 Quint., *Inst.* 10.1.95 (cf. Licinianus' comment (above, p.94) that Sallust should be read for his oratory, not for historical fact); E. Norden, *Die antike Kunstprosa vom VI. Jahrhundert v. Chr. bis in die Zeit der Renaissance*[3] (Leipzig-Berlin, 1915), vol. 1, p. 195. But note that Varro shows greater stylistic ability in the *RR* and in the *Satires*.

215 At *NA* 13.13.4 Gellius describes himself as having been "adsiduus in libris M. Varronis". Cf. 19.14.2. Gellius provides 14 fragments of the *RH* and 9 of the *RD*.

216 Cf. Boissier, *Varron*, 31, 190; Rawson, *Intellectual Life*, 243 and Riposati, *op. cit.* (n.163), 263.

217 *NA* 13.11; pref. 4-10; *NH* pref. 24.

Boissier remarked, "chez Varron l'érudit se mêle à tout" and thus the *Menippeae* are not restricted to philosophy, but cover all those subjects to which Varro was later to devote more scholarly works.[218]

Summary

> Varro's importance in the antiquarian tradition was great, but is probably impossible to quantify precisely, since remarkably little of his vast literary output survives. He provided a role model for later scholars, though none of these seem ever to have entirely superseded him. There is a very real sense in which the antiquaries of the Renaissance sought to recreate Varro: as we saw in Chapter One, they were acutely aware of his importance.

Varro's most important work was probably the *Antiquitates Rerum Humanarum et Divinarum*, which seems to have introduced the term *antiquitates* for antiquarian studies. It was certainly his most important antiquarian work. We may also detect Varro's antiquarian scholarship in all the other works, even including the *De Lingua Latina*, but it is the *Antiquitates* which seem to have formed the most important source for later antiquarians, who copied, commented on and epitomised it, to the extent that much of the material circulating in the antiquarian tradition derived ultimately from this work. Dahlmann sees Varro's research into the *mores maiorum* as almost a prerequisite for the Augustan reforms:

> Man konnte jetzt aus der Fülle seiner Schätze schöpfen, ohne sich das Material auf schwierigem Wege selbst erarbeiten zu müssen. Verrius Flaccus ist nicht viel mehr als der Excerptor der gelehrten Arbeiten Varros, nur daß er seinem Werk an Stelle der von Varro angewandten systematischen eine lexikalische Anordnung gegeben hat, Vergil überträgt auf die Troer des Aeneas das, was Varro über die Urbewohner Latiums ergründet hatte, Ovid kennt ihn allenthalben in den Fasten, auch in den Metamorphosen.[219]

And Varro's influence continued through the imperial period: for all he is 'the most learned Roman', and it would seem that he was regarded as the definitive *auctoritas* on matters concerning public and private life.

The excesses of nineteenth century *Quellenforschung* have devalued the study of the sources used by ancient writers, but it is notable that it is often not very difficult to find a connection between the antiquarian interests of later scholars and those of Varro; though the one (not unimportant) question

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218 Cic., *Acad.* 1.2.8. Boissier, *Varron*, 78. Cf. p.98: "Varron y est déjà tout entier. Il y touche à tous les points qu'il doit traiter dans la suite. Il y est question des arts et de la philosophie de la Grèce, de l'histoire et des antiquités de Rome, de la mythologie et de la grammaire; on y trouve jusqu'à ces étymologies étranges dont Varron sera toujours si curieux".

219 Dahlmann, 'Varro', 1179.

which is probably impossible to answer is that of Varro's (in)dependence of his predecessors. Varro was immensely important in Roman scholarship, but we cannot tell whether that was due to a new innovative approach to the study of Rome's past and/or much independent research, or whether Varro's significance lay in the collection and collation of previous research. Whichever is the case, there can be little doubt that Varro's version was usually regarded as the definitive version.

3 The Methods and Characteristics of Roman Antiquarian Writing

In the previous chapter we saw that there was a long history of antiquarian writing at Rome: this in itself suggests that there was an established tradition of antiquarian writing. I now turn to consider the characteristics of that tradition. The problem of the incomplete transmission to us of Roman antiquarian writing must be reiterated at the outset. It is also worth noting that surprisingly little has as yet been established concerning the characteristics of Roman scholarship in general. This hardly affects the second part of this chapter (which discusses the interests of Roman antiquarianism), but introduces the question of how much of the methodology of the Roman antiquarians is that of Roman scholarship in general, rather than of antiquarianism in particular. The indications are that the techniques of antiquarian writing had much in common with other branches of scholarship, though further research is needed into the characteristics of Roman scholarly writing: here I am concerned with those of antiquarian writing.

1. The Methods of Roman Antiquarianism

Most of our evidence for antiquarian methodology and interests comes from within antiquarian works themselves, but a few remarks from outside the antiquarian tradition indicate that there were some commonly accepted ways in which an antiquarian scholar was expected to go about his business: I have already mentioned most of these in discussing the Roman perception of antiquarianism. Yet many of these comments on antiquarian writing amount to little more than the perception of antiquarian scholars as being learned men who pursued their studies in an expert, scholarly manner. Seneca's criticism of the

scholar's emphasis on detail when discussing Cicero's *De Re Publica* informs us of one characteristic of antiquarian writing, and it is interesting that, in the *De Re Publica* itself, Cicero is also able consciously to break from what would seem an established scholarly method. For, at the start of the discussion of the *respublica*, he has Scipio announce his intention not to start at the very beginning, 'which is what learned men would do'. Scipio also says that he will begin his discussion according to the rule 'which I believe should be used in discussing all matters, if you want to avoid making any mistake: that the meaning of the name of whatever is under discussion should be explained'; thus we see one reason for the widespread use of etymologies by the antiquarians.[1]

From these comments we learn three characteristics of Roman antiquarian writing: the discussion of specific details, rather than the construction of a general picture; a tendency to explain matters by looking at the origins of whatever is under discussion; and, clearly connected with the last, the use of the etymology of the name of whatever is under discussion as an integral part of an explanation. In addition, we may detect several other features common to much antiquarian writing: more or less apparent vestiges of the question-and-answer process which seems to have formed the basis of much ancient scholarship, with a tendency to present a number of alternative views as the answer; the division and subdivision of works into separate sections, each with its own rubric or lemma as a heading; the provision of indices and lists of contents; and the acknowledged use of earlier antiquarians, or, in other words, the propagation of the tradition.

a) The use of earlier antiquarians

The clearest sign of a consciousness that the antiquarians were writing within a pre-existing tradition comes from one characteristic of that tradition: the naming of their sources and the giving of references. In virtually all surviving antiquarian writing, from Varro to Lydus (and no doubt, if one cared to look, beyond), we find the explicit citation by name of the authors' sources, often with reference to book number and occasionally to the part of the book. Macrobius (who rarely names his sources) provides the exception which proves the rule.

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1 Sen., *Epp.* 108.30f.; Cic., *Rep.* 1.24.38.

This awareness of a tradition in which they were writing is at its most apparent in the prefaces of Pliny and Gellius. Both include a list of titles 'which many other (Greek and Latin) writers devised for works of this sort.' Similarly, in the preface to his books *De Rebus Rusticis,* Varro also includes a list of some fifty-two, mainly Greek writers on agriculture. But Varro presents this as a guide to further reading: 'should you want information which is not in my work, I will indicate those writers, both Greek and Roman in whom you will find it.' Similarly the earlier agricultural writers whom Columella lists are those whose works the reader should consult before involving himself with agriculture.[2]

The lists of Varro and Columella are different in conception to those of Pliny and Gellius in that the former serve a utilitarian rather than a polemical purpose. Gellius undoubtedly follows Pliny in this (some of the titles given are the same), and indeed there are further marked similarities between the two prefaces. For instance, Pliny stresses that he makes no claims to completeness, adding that 'I am human and beset with duties and pursue these studies in my spare time, that is at night'. We may compare Gellius, who twice explains the title of his work from the fact that he did much of the work 'during the long winter nights in the land of Attica'. The theme of working at night is a theme which recurs in the *Noctes Atticae* and in much of Latin literature whenever there is any suggestion of scholarly activity, as Janson has shown. It is significant that Pliny regards '*Lucubrationes*' as one of the wittiest titles which Roman scholars have given to their works. This may well be largely rhetoric, though it does betray a certain prejudice: that the production of scholarly works was somehow secondary to one's daytime *negotium.* And indeed the antiquarian scholars usually appear as amateurs who studied in their spare time. The emphasis on lucubrations also (no doubt intentionally) suggests the dedication of those who so suffered for their art, and is, therefore, part of the writers' vindication of the value and accuracy of their work.[3]

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2 *NA* Pref. 4; *RR* 1.1.7 (the list follows); Columella, *De Re Rustica* 1.1.4-15.

3 *NH* Pref. 18; *NA* Pref. 4, 10; *NH* Pref. 24. Cf. also *NA* Pref. 12, 19; 13.31.10; 9.4.5; 15.7.3. T. Janson, *Latin Prose Prefaces. Studies in Literary Conventions* (Stockholm, 1964), 97f., 147f. Cf. also Cic., *Fin.* 5.18.48.

Returning to the use of one's predecessors, both Pliny and Gellius present their lists of titles in order to distinguish from them their own works; and it is interesting that Varro too distinguishes his work on agriculture from those of the Carthaginian Mago, his translator Cassius Dionysius Uticensis and his epitomator Diophanes of Bithynia: his distinction, however, is merely one of length.[4] Pliny bemoans the *mira felicitas* of the titles which Greeks give to their works: they are, he says, attractive and make one want to read them, but "quam nihil in medio invenies!" He distinguishes what he sees as the more serious titles used by Roman scholars (*Antiquitates, Exempla, Artes* for example), though he also notes that Varro gave striking titles to his satires which - in contrast to Greek works - contained much interesting information. Gellius does not make the distinction here between Greek and Roman *festivitates inscriptionum* ('witty titles') and even includes in the list the *Naturalis Historia*.[5] But Gellius does not have quite the same polemical purpose as Pliny - it is elsewhere that he refers to 'Greek books filled with fabulous miracles and incredible, unheard of things'[6] - for he is concerned mainly to point out that his title is unsophisticated and merely descriptive (neither of which it is). Pliny simply states that he could not be bothered to think up any witty title.[7] Both are, of course, merely indulging in the rhetoric which we expect to find in an author's preface, as is also suggested by the emphasis on their own failings and limitations. Moreover, Gellius' title belongs precisely among the *festivitates inscriptionum*, and indeed has a better claim to be included there than some, such as *Naturalis Historia*, *Antiquae Lectiones* and *Epistulae Morales*, which give a far better idea of the content of these works and which are present in Gellius' list. His comment on Aelius Melissus' *De Loquendi Proprietate* is most applicable to his own: 'the work's title is a great enticement to read it'.[8]

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4 *RR* 1.1.11. Somewhat later, Priscian shows himself aware of previous writing on the *ars grammatica*, in order to distance himself from those earlier works (*ep. ded.* 1-4: *GLK* 2.1ff.)

5 *NH* Pref. 24; *NA* Pref. 4-9.

6 *NA* 9.4.3, though some of the *miracula* and *fabula* he also found in Pliny's *NH*. On Gellius' view of Pliny, cf. Holford-Strevens, *Gellius*, 121f.

7 *NA* Pref. 10; *NH* Pref. 26.

8 *NA* 18.6.3. The same rhetoric occurs also at *NH* Pref. 12, where Pliny refers to *levioris operae hos libellos* (an understatement if ever there was) and adds that 'they do not admit of talent, of which in any case I have only a very moderate amount'. Cf. Janson, *op. cit.* (n.3), 98ff., 124-141, 145-149.

Both Pliny and Gellius want their work to be seen as superior to previous attempts. Pliny baldly states that he is the first to embark on something like his *Natural History*, while Gellius expounds at greater length the difference between his work and those others which he has mentioned: 'I did not have the same purpose in making my excerpts and notes as many of those others.' The others, he says now picking on the Greeks, merely swept together indiscriminately everything which they found, aiming at quantity alone and thereby produced works which are appalling or boring. While he has used the same methods (wide reading) he has, he says, used greater discrimination in selecting material, which he hopes will either stimulate 'a desire for good old erudition and the study of the useful arts,' or save those whose lives are filled by *negotium* from making elementary mistakes about things they should know about.[9]

This simultaneous adherence to and (at least claimed) divergence from the tradition of one's predecessors is unlikely to be a mark of Gellius and Pliny alone, and indeed Wallace-Hadrill, who is much concerned to set Suetonius against his scholarly background, points out the contrasts between Suetonius' works and those of other ancient biographers:

> an author can make what he will of a work of literature, and though ancient authors liked to place their works in a recognisable tradition, they did so as a conscious act of will, and made their own decisions about where to follow tradition and where to part from it.

As Reardon notes (admittedly of the novel), "this conscious element should never be forgotten".[10] As Gellius shows very clearly, a writer had to be fully aware of the tradition in which he was writing in order to take the decision to diverge from it. Given that Macrobius also diverges from the mainstream of the tradition (by using a continuous dialogue format), it is worth noting here that the preface of the *Saturnalia* contains much that is similar to, if not indeed reproduced from that of the *Noctes Atticae*.[11]

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9 *NH* Pref. 14; *NA* Pref. 11f.

10 Wallace-Hadrill, *Suetonius*, 70; B.P. Reardon (ed.), *Collected Ancient Greek Novels* (Berkeley etc., 1989), 6.

11 Compare, e.g., *NA* Pref. 2f. and *Sat.* Pref. 2f.; *NA* Pref. 11 and *Sat.* Pref. 10.

b) Indices and contents' lists[12]

Another important link between the *Noctes Atticae* and the *Naturalis Historia* is the table of contents which follows the preface in each work. Both Gellius and Pliny state that this is for the reader's convenience: as Friderici noted, such indices are commonly said by their authors to be intended to facilitate the use of their works.[13] It is worth noting that such indices would be rather more useful in the context of personal consultation (rather than public declamation) of the works: both works, but particularly the *Noctes Atticae*, in which most articles reflect the modern concept of a limited attention span, reflect either an alternative to, or a trend away from, public performance as the prime means of publication.

Although the *Noctes Atticae* and *Naturalis Historia* are rare among surviving Latin literature in preserving such indices (rarer still in their being accepted as genuine by modern scholars), they were clearly not unprecedented in antiquity for, as Pliny mentions, one Valerius Soranus had, apparently for the first time in Latin literature, included a list of contents at the beginning of his 'Επoπτίδες. Soranus seems to belong to Cicero's youth and is cited by Varro: so such contents' lists were not a new feature of Latin scholarship (the *festivitas* of Soranus' *inscriptio* places him clearly in the tradition), although Pliny implies that he is the first to follow Soranus in this. But an index also appears to have been included by Columella in his *De Re Rustica*, written only a few years before Pliny's *Naturalis Historia*. This index comes curiously at the end of the eleventh book (as the work consists of twelve books this seems to reflect an original intention that the work should end with the eleventh book). Again it is suggested that this is for the reader's convenience, 'so that, should the need arise, it will be easy to find what is sought'.[14]

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12 On this and the following section cf. R. Friderici, *De librorum antiquorum capitum divisione atque summariis. Accedit de Catonis de agricultura libro disputatio* (Marburg, 1911), which seeks, generally convincingly, to establish the authenticity and the origin of the division of ancient works into *capita*, of the provision of lemmata for these *capita* and of the compilation of *capitum indices* or *summaria*.

13 *NA* Pref. 25: "ut iam statim declaretur quid quo in libro quaeri invenirique possit"; *NH* Pref. 33: "ut quisque desiderabit aliquid id tantum quaerat, et sciat quo loco inveniat". Friderici, *op. cit.*, 52f.

14 *NH* Pref. 32; Varro, *LL* 7.31, 65; 10.70; *ap. NA* 2.10.3; *ap.* Serv., *Aen.* 1.277.

Since Columella appears as a source for seven books of the *Naturalis Historia* (Pliny even cites material which was contained in Columella's eleventh book), Pliny cannot mean that he was the first since Soranus to include an index (though the authenticity of Columella's index has been doubted). Friderici, noting that Cato's *De Agri Cultura* may have had an index prefaced to it, argued that Pliny means that he was the first since Valerius Soranus to place his index in a separate book. This is convincing, in that it would explain why there is no suggestion in Columella that the provision of an index was anything novel, as is the case also for Pliny's near contemporary Frontinus, who also provided at the start of each book of of his *Stratagemata* an index to the contents of that book.[15] Such is the case also of the full index included in the *Compositiones* of Scribonius Largus (*floruit* under Claudius); here also the index is included "quo facilius quod quaeretur inveniatur".

Another index appears at the start of what are commonly known as the *Fabulae* of the mythographer Hyginus, who, it has been suggested, may belong to the same period as Gellius. (One suspects that the work of Gellius' (anonymous) *familiaris*, which was loaned to Gellius and which he characterises as full of *mera miracula*, may have had more than a little in common with this work of Hyginus.)[16] Thus the index of grammarians and rhetoricians found in some of the better manuscripts of Suetonius' *De Grammaticis et Rhetoribus* may well be genuine, as indeed Roth allowed and Reifferscheid asserted: the latter presumed that this index was typical of others which would have been placed at the start of each section of Suetonius' *De Viris Illustribus*, suggesting that their inclusion would have been "ex more antiquitatis satis noto".[17] There are certainly more works with indices than seems commonly to be assumed.

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15 Cf. *NH* 19.23.68 and Columella, *De Re Rustica* 11.3.53. Friderici, *op. cit.*, 56: p.55 he suggests that Gellius' index should be seen as a separate *libellus*.

16 *Hygini Fabulae. Recensuit, Prolegomenis commentario appendice instruxit H. J. Rose* (Leiden, 1933, repr. 1963), p. VIII: "mihi quidem non ita veri dissimile videtur Hyginum nostrum Antoninorum fere aetate scripsisse". Cf. also Macrob., *Sat.* 3.8.4: "Hyginus *de proprietatibus deorum* cum de astris ac de stellis loqueretur...". *NA* 14.6.

17 *C. Suetoni Tranquilli quae supersunt omnia* (ed. C. L. Roth) (Leipzig, 1877), LVII; *C. Suetoni Tranquilli praeter Caesarum libros reliquiae* (ed. A. Reifferscheid) (Leipzig, 1860), 370. Robinson, however, argued that the index was composed "longe post Suetoni aetatem": *C. Suetoni Tranquilli, de grammaticis et rhetoribus. Edidit, apparatu et commentario criticis instruxit Rodney Potter Robinson* (Paris, 1925), *ad loc.* Cf. Wallace-Hadrill, *Suetonius*, 51.

Of course I cannot claim that all (if any) of the 'indexed' works just mentioned are antiquarian works, though they are all technical works, with the exception of Hyginus' *Fabulae*. What then of the antiquarians: were their works indexed? In the absence of their works we do not know, though we may assume from the silence of Pliny that Varro's *Antiquitates* were not indexed, at least to the same degree as the *Naturalis Historia*. On the other hand, I have already noted Varro's predilection for the division and sub-division of his material: it is then no surprise to find that the delineation of subjects to be covered appears in Varro, though here it comes not as a separate entity in the form of an index, but in the body of the text.

The clearest instances of this come in the *De Lingua Latina*, at the start of the fifth book (which is also the beginning of that part of the work dedicated to Cicero and at the same time the beginning of the surviving text) and at the beginning and end of Book 7, together with a further recapitulation at the start of Book 8. Thus, for example, Book 5 is *de vocabulis locorum* and Book 6 is *de vocabulis temporum*; divisions which correspond to two of those found in both parts of the *Antiquitates*. Within these divisions there are further subdivisions, and so, at the start of Book 7, Varro sets out the four divisions of the book, but then declares that 'if there is anything which does not belong in this *quadripertitio*, I shall still include it.' This seems intended to alert the reader to possible digressions within the book, though it it interesting that Varro in no sense appears to need to justify the inclusion of such digressions. There is a similar account of the contents of the *Res Rusticae* and this can easily be detected in other works also.[18]

From the first book of the *De Vita Populi Romani*, Nonius preserves Varro's statement of the order in which he will deal *de re familiari ac partibus, de victuis consuetudine primigenia* and *de disciplinis priscis necessariis vitae*. Riposati places this at the head of a postulated section on "condizione giuridiche e domestiche dell' antica Roma", but it could well either belong to or resume a

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18 *LL* 5.1; 5.10; 7.5; 7.109-110; 8.1; *RR* 1.5.3f. Cf. Boissier, *Varron*, 135ff.; Skydsgaard, *Varro*, 92f.

longer summary from the beginning of the work.[19] Nonius also provides what may have been part of Varro's explanation of the structure of his *Logistoricus, Cato, de liberis educandis*.[20] Agahd noted that Augustine no doubt found the plan of the *Antiquitates Rerum Divinarum* set out in the first book of that work and one may wonder whether Censorinus' account of Varro's distinction of three periods of pre-history might not have come from a similar introductory passage in the first book of (perhaps) the *De Gente Populi Romani*.[21] As the first book of the *Res Divinae* was introductory, so was that of the *Res Humanae* and may well have included a discussion of the division of the work; certainly the twentieth book, which was introductory to the final hexad *de rebus*, contained a recapitulation of the division of the work: "et ea quae ad mortalis pertinent quadrifariam dispertierim: in homines, in loca, in tempora, in res."[22]

It is, however, clear that the inclusion of such indices was not a unique feature of antiquarian scholarship: not only are Pliny's *Naturalis Historia* and Gellius' *Noctes Atticae* not purely antiquarian works, but, as we have seen, indices seem also to have been used in agricultural works and, I may now add, also in grammatical works: the *Ars Grammatica* of Charisius and the *Institutiones Grammaticae* of Priscian contain indices: the *epistula dedicatoria* of the latter ends with the familiar note that "titulos etiam universi operis per singulos supposui libros, quo facilius, quicquid ex his quaeratur, discretis possit locis inveniri.".[23] The concept of providing an exposition of the most important parts of one's argument was far from unknown: as Friderici noted, the *partitiones* of speeches provide a clear parallel.[24] Rather indices seem characteristic of Roman scholarship in general: we may perhaps see the index in Hyginus' *Fabulae* not so much as an exception to this (though it clearly is), but rather as an attempt to imitate one characteristic of the scholarly tradition, and

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19 Non., p.494, 9-12M = frg. 24 Rip. Cf. B. Riposati, *M. Terenti Varronis "De vita populi Romani": fonti, esegesi, edizione critica dei frammenti* (Milan, 1939), 132f. In the 'serie dei frammenti' of Book 1 (pp. 91-93) he indeed places this fragment directly after those assumed to be from the preface.

20 Non., pp.447, 35 - 448, 1M: "educit enim obstetrix, educat nutrix, instituit paedagogus, docet magister."

21 R. Agahd, 'M. Terenti Varronis Antiquitatum Rerum Divinarum Libri I, XIV, XV, XVI. Praemissae sunt quaestiones Varronianae', *Jahrbücher für classische Philologie*, Suppl. Band. 24 (Leipzig, 1898), 1-220, 367-381, pp. 15f.: Cens., *De Die Nat.* 21.1ff.

22 Non., p.131, 11-13M =*RII* 20, frg. 1 Mirsch.

23 *GLK* 1.2-6; 2.3f.

24 Friderici, *op. cit.*, 45. Cf. Quintilian, *Inst.* 4.5.

hence to attempt to give this work an air of greater legitimacy. But given our total ignorance of much ancient literature, I should not press the point: it might be the case that such indices or summaries were more common than has ever been presumed, whether provided by the writers themselves or by *librarii*; certainly the repeated emphasis on the practical utility of such indices is no mere rhetoric.

c) Section headings

Clearly such indices would be most efficacious in those works where the individual items included in the index were paralleled by similar headings, lemmata or rubrics in the main body of the text, and it is worth noting that Scribonius Largus says that he has numbered his various *compositiones* for ease of reference.[25] There are traces of what one might call the 'rubric mentality' in Pliny's *Naturalis Historia*: thus, for example, Isager's study of Books 33 to 37 is structured according to the rubrics according to which Pliny seems to have written.[26] But Pliny's text is not provided with separate rubrics, and an essential difference between the contents' lists of Gellius and Pliny is that the latter's has more of the character of a summary of the work: he lists the subjects covered and gives total numbers of *res et historiae et observationes* (in the medical books this becomes *medecinae et historiae et observationes*) for each book and, in the geographical books, subtotals of the numbers of rivers, mountains, extinct towns and races mentioned. These, it is worth noting, form the main divisions of Pliny's material. Gellius, however, merely presents what now appears to be more like a table of contents as we know it: he lists the titles of the articles to be found in each book. Hence, incidentally, we have at least some idea of the contents of the otherwise lost eighth book.

While Gellius' lemmata can be quite discursive, most of those of Hyginus consist merely of the name of the subject of each *fabula*. In the latter part of the collection, however, there is a more pronounced rubric form, comparable to the individual clauses of Pliny's index, and in some cases even the subject matter

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25 *Ep. ded.*, 15.

26 J. Isager, *Pliny on Art and Society. The Elder Pliny's Chapters on the History of Art* (Odense, 1991).

would not have been out of place in the *Naturalis Historia*.[27] In Greek we may compare the Αἴτια Ἑλληνικά and Αἴτια Ῥωμαϊκά of Plutarch, in which various questions are posed and act as rubrics: the use of rubrics may also be detected in Plutarch's other works.[28] Was Varro's *Aetia* constructed along similar lines? The extant fragments can neither deny nor confirm this.

Evidently, there would be no need for lemmata in works - one thinks particularly of poetry and much ancient historiography - which were intended to be read through as a single entity; indeed in such works rubrics might appear as disruptive. Rather, the use of rubrics in a work, marks out that work as one intended for reference (or alternatively for 'dipping into') and also, perhaps, as a scholarly one. Regarding the use of such headings, Friderici suggested that

> in primis vero hoc modo disponebantur leges et libri miscellanei diversas historias et res complectentes et illae, ut ita dicam, rerum silvae, quas praeter ceteros libros in partes suas distribui necesse erat, ut singula, prout quaeque quaerebantur, facile inveniri possent.[29]

On the evidence of the *Digest* at least, the works of the jurists should be added: as we have seen, these are often not unrelated to those of the antiquarians. The systematising of Roman antiquarianism suggests that such headings would naturally have found a place in antiquarian works (and it is notable that Gellius could identify the sections into which Book 21 of Varro's *Res Humanae* was divided). The alphabetical order into which Verrius Flaccus arranged his material reflects a similar systematising, and it is interesting that Pliny's lists of artists are arranged in alphabetical order.[30] Yet the wretched state of the tradition of antiquarian writing at Rome as we have it, makes it difficult to assert that the antiquarians definitely made use of the method of division into *capita*, each with its own rubric.

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27 *Fabulae* 224-277. Possibly the most 'Plinian' are *Fabb.* 273-277 on, respectively, those who first held games, who discovered something, who founded towns, on large islands and on those who invented something, e.g. the letters of the alphabet.

28 Cf. D. A. Russell, *Plutarch* (London, 1972), 45f. The form may go back to Aristotle's Προβλήματα. Cf. H.J. Rose, *The Roman Questions of Plutarch. A new translation with introductory essays and a running commentary* (Oxford, 1924), 49.

29 Friderici, *op. cit.*, 23. Cf. p.25: "facile intelligimus in libris, qui ad perlegendum scripti erant, lemmata superflua fuisse".

30 *NH* 33.55.155; 34.19.85-91; 35.40.138-144; 35.40.146. Note also the alphabetical order of Pliny's discussion of gemstones, *NH* 37.54.138-37.70.185. Cf. Isager, *op. cit.* (n.26), 75, 103, 113, 135f.

Certainly its influence was felt, for the division of material under rubrics seems to have been a common feature of much ancient scholarship.

> Edition and commentary were the original form and backbone of Alexandrian scholarship ... The problem (ζήτησις, *quaestio*) is put, an answer (λύσις, *solutio*) suggested, whether lexical, mythological, historical or whatever is appropriate.[31]

Not only does each article in the *Noctes Atticae* have its own rubric, but within the articles themselves we can frequently see the clear application of this method: a considerable number of articles begin with such phrases as "quaeri solitum est", and many take as their starting point a phrase or word in a literary work, a law or whatever, although Gellius sometimes disguises his use of this method by only placing at the end of the article whatever was the stimulus for the point which he has just made.[32] Berthold noted that "allenthalben wird der Leser einbezogen in das Fragen und Wissenwollen, in das Suchen ... und Finden" and he usefully produced lists of such recurrent phrases.[33]

The use of this method is by no means unique to Gellius. The first sentence of Book 10 of Varro's *De Lingua Latina*, for instance, ends with the words *multi quaesierunt* and there are numerous traces of the question and answer process to be found in Varro: Boissier noted that in his works of literary criticism Varro proceeded by definitions and categories. There is, however, no evidence that Varro broke up his text with separate sub-headings, though as we have seen he did divide his books into various sections: how that division was indicated remains unknown.[34]

In Macrobius' *Saturnalia*, despite the dialogue form, it is very easy to identify where headings might have been placed, had Macrobius so wished: to have done so would certainly have facilitated his avowed intention that desired information would be *facile inventu atque depromptu* (which is exactly what Gellius says as

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31 Wallace-Hadrill, *Suetonius*, 42f. Cf. Suet., *Tib.* 70.3 for examples of the *quaestiones* with which Tiberius used to test *grammatici*; and *Gramm.* 11 for a *grammaticus* who could 'solve all *quaestiones*'.

32 Typical of examples too numerous to cite in full are *NA* 2.19; 3.18; 13.3; 13.22.

33 Berthold, *Gellius*, 23; cf. pp. 73f., 87-94. Typical of Gellius' commenting on texts are *NA* 1.4; 10.3.17-19; 17.15. 2.8 is interesting in that it contains both Plutarch's comments on an extract which he presents from Epicurus and Gellius' on Plutarch.

34 *LL* 10.1; Boissier, *Varron*, 158. On the various methods of division available, cf. Friderici, *op. cit.* 21, 24f, 27-33, 43.

well) and indeed several editors have inserted appropriate rubrics.[35] Yet it is important to note that, as one would expect, the dialogue itself progresses by question and answer: for example, it is asked "ovumne prius extiterit an gallina?" and a considered discussion of the question follows.[36] Similarly, it would not be difficult to supply suitable lemmata for Pliny's *Naturalis Historia*.

It is, however, improbable that rubrics would have been removed at some stage in the transmission of the texts of Macrobius and Pliny; rather one would expect the medieval copyists to have inserted them. Rather, this should be seen as a conscious effort on the part of Pliny and Macrobius to write continuous prose uninterrupted by headings. Possibly Gellius was making a related effort: one could easily supply a question for many of his articles (that is where he himself does not), to which he then provides an answer: unlike those of Plutarch, Gellius' rubrics rarely take the form of a question, but usually give an abstract of the information presented. Yet the presence of the lemmata in the *Noctes Atticae* might suggest that Gellius wrote more 'traditionally'.[37]

Friderici saw the origin of lemmata in passages which introduce what is to be discussed in the following section of a work: the *propositiones* of oratory; and he showed that such *propositiones* are found more commonly than lemmata. Friderici also detected the presence of *propositiones* in Herodotus: I would, however, emphasise his observation that they are found particularly in those parts of the work, which deal with different peoples, locations and customs; they are found far less commonly, if at all, in those parts which contain a continuous historical narrative. In other words, these 'proto-rubrics' are restricted to the more distinctly antiquarian sections of Herodotus' work.[38]

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35 *Sat.* Pref. 2; *NA* Pref. 2. Cf., e.g., the edition of M. Nisard, *Macrobe (oeuvres complètes), Varron (de la langue latine), Pomponius Méla (oeuvres complètes) avec la traduction en français* (Paris, 1850) and that published London, 1694: *Aur. Theodosii Macrobii V. Cl. & Inlustris Opera accedunt integrae Isacii Pontani, Joh. Meursii, Jacobi Gronovii Notae & Animadversiones. Editio novissima cum Indice Rerum & Vocum locupletissimo.*

36 *Sat.* 7.16.1-12; the procedure is at its clearest 7.8-13.

37 E. Türk, 'Macrobe et les *Nuits Attiques*', *Latomus* 24 (1965), 381-406 sees Macrobius as aiming to create a homogenous work, in terms of both style and content, in contrast to the lack of organisation in the *NA*.

38 Friderici, *op. cit.* 29-31. Cf., e.g., *Rhetorica ad Herennium* 2.18.28.

Wallace-Hadrill has shown how all Suetonius' works were dominated by rubrics: these exist in the fragments of the lexicographical works (and here one may compare Verrius Flaccus), but lie behind the arrangement of the antiquarian and biographical works:

> Even within the lives the construction is often around rubrics, topic after topic, though since this is consecutive prose, the reader is normally spared the abruptness of a one-word heading at the top of a paragraph. But always the old method shows through: Suetonius' thought runs not in consecutive narrative like a historian's, nor in developing argument like a philosopher's, but in word-heading and commentary with instances.[39]

In the *Vitae Caesarum* the rubrics are not always merely notional, but sometimes appear in the questions which Suetonius seems to have set himself. Particularly illuminating is Suetonius' well known statement regarding his treatment of Augustus: 'Having set out this summary of his life, I will now discuss its stages one by one, not chronologically, but systematically'.[40] Of course, the deficiencies in the transmission of antiquarian works prevent this line of enquiry being taken further. Yet it is clear that there was a common method: the question and answer process which seems on occasion at least to have been developed into the use of rubrics.

d) Ancient antiquarian research

As Rawson noted, more sympathetically than some, "to our eyes Roman antiquarianism omitted the essential preparatory stages", but these preparatory stages are those essential to modern scholarship.[41] It is unfortunate that we know little of the preparatory stages of Roman scholarship: where and how did they get their information? In the early days there must have been a combination of essentially empirical research and the codification of oral tradition: how else could much of the information have first found its way into the antiquarian tradition? It is impossible to say how much of Varro's research was original research and how much took the form of the reading, which is clearly attested as

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39 Wallace-Hadrill, *Suetonius*, 44. It is interesting to note in connexion with the mention of a philosopher's method that Gellius (*NA* 14.1.2) could discern headings within what the philosopher Favorinus had to say.

40 E.g., *Aug.* 9.1; 61; *Claud.* 22; *Galba* 3; *Dom.* 3.2.

41 Rawson, *Intellectual Life*, 239.

the preparatory stages of the elder Pliny and Gellius.[42] But it may well be that the idea of antiquarian study based solely on pre-existing literature, may be the result simply of the fact that we have only a literary record of antiquarian studies.

It is worth mentioning at this point that there were aids to the reading of books and documents. A fragment of a text survives which may belong to a work *De Litteris Singularibus* of M. Valerius Probus - perhaps the most important grammarian of the first century, whom Suetonius includes in the final place of his list of *grammatici*.[43] This is the so-called *De Iuris Notarum*, which is perhaps merely an extract of the original work: what we have is a list of abbreviations (together with their expanded forms) as used in various forms of documents. After a brief introduction, the first section deals with abbreviations found in official, historical and religious writing, the second with juristic abbreviations found in laws and *plebisscita*, the third with those in *legis actiones* and the fourth with those found in edicts. The manuscript breaks off here, though some further abbreviations (of legal terminology) are preserved elsewhere.[44] It is tempting to suppose that the *De Occulta Litterarum Significatione in Epistularum C. Caesaris scriptura* (ascribed to Probus by Gellius) may have formed part of a larger work, which also included the *De Iuris Notarum*: it certainly suggests Probus' interest in the area, and helps secure his authorship of the latter.[45] Probus was not alone in his writing on this subject: we know of a work of Suetonius *On Signs in Books*, which may have been similar, and Verrius Flaccus also explained some abbreviations.[46]

Such works on abbreviations were clearly designed to facilitate the reading of documents: as such material was not commonly part of the school curriculum, then one may presume it was intended for the scholar and interested amateur; and

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42 But cf., e.g., *LL* 5.125 where Varro discusses the use of one sort of table *me puero*. Cf. also J. F. Miller, 'Callimachus and the Augustan Aetiological Elegy', *ANRW* 2.30.1 (1982), 371-417, p.402: "In general, Ovid's method of 'research' seems to be a combination of scholarly work and recollection".

43 Suet., *Gramm.* 24. On Probus see Schanz-Hosius §§477-479; for the texts see *GLK* 4.

44 Edited by T. Mommsen in *GLK* 4, 267-276. For other lists of abbreviations, apparently from late antiquity and the middle ages cf. *ibid.*, 277-352.

45 *NA* 17.9. Suetonius also refers to Julius Caesar's use of cipher (*Jul.* 56.6). Cf. Mommsen, *GLK* 4.267.

46 On Suetonius cf. p. 281 Roth; Festus explains *RR* (=*rationum relatarum*) p. 274M *s.v. R duobus*; *QRCF* (=*Quando Rex Comitia Fas*) and *QSDF* (=*Quando Stercus Delatum Fas*) p. 258M *s.vv.*

the whole work must have proved a valuable tool for the antiquarian, who consulted documents. Yet it is strange that such self-evident abbreviations as *SPQR* and *AUC*, and those of *praenomina*, are included in what remains of Probus' work. These might be later interpolations, though they would also reflect the same desire for completeness as is found in Pliny's *Naturalis Historia.*

Pliny claims to have read about two thousand *volumina* from a hundred different authors and his nephew makes clear the method: 'a book was read and he made notes on it and excerpts from it; for he read nothing that he did not excerpt'. Thus the younger Pliny inherited 160 papyrus rolls filled on both sides with his uncle's notes.[47] This was, of course, a very common method: Skydsgaard, who devotes most of his discussion of 'The Roman Scholar' to how these excerpts were kept, traces the method back to the Alexandrians and notes its presence also in Cicero, Plutarch, Livy and Dio. And generally, reading often appears as synonymous with excerpting: as Marache notes in the introduction to his Budé edition of Gellius, Fronto and Marcus Aurelius were so aware of this synonymity that they use the expression *legere ex*. Lindsay showed that Nonius' initial method was similar:

> Nonius collected the materials for the twenty books of his Dictionary partly from Glossaries or lexicographical works (e.g. the 'Noctes Atticae' of Aulus Gellius), partly from texts, apparently annotated texts, of certain authors (Plautus, Lucretius, Accius, Sisenna, Cicero, etc.).

This collection was, Lindsay suggested, in the form of 'rough lists of words' and their explanations excerpted from these sources. Thus he distinguished 41 separate lists, including one from the *Noctes Atticae*, five compiled directly from various works of Varro (mainly the satires), and two from what Lindsay regarded as probably a glossary compiled mainly from Varro, which included Varro's *Epistulae* and the twentieth book of the *Res Humanae*.[48]

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47 *NH* Pref. 17; Pliny, *Epp.* 3.5.10, 17.

48 Skydsgaard, *Varro*, 101-116 (he is mainly concerned with the meaning of *commentarii* and ὑπομνήματα); Aulu-Gelle, *Les Nuits Attiques. Texte établi et traduit par R. Marache* (Paris, 1967 -), vol. 1, p.XV; Fronto, *Ad M. Caes. et Inv.* 4.6.1 (p.62, 10f. v.d.H.²); W.M. Lindsay, *Nonius Marcellus' Dictionary of Republican Latin* (Oxford, 1901), 3, 7-10.

Reitzenstein detected a similar *modus operandi* in Verrius Flaccus' *De Verborum Significatu* (though unlike Nonius, Verrius had begun to revise his work on a more recognisably alphabetical basis):

> Bei dem Sammeln des Stoffes aus verschiedenen Quellen verfuhr Verrius, wie die '2. Teile' zeigen, nicht so dass er jedes Werk nur einmal zur Hand nahm, um aus ihm alles wichtige auszuschreiben, und es dann für immer zur Seite legte, sondern er übertrug aus den einzelnen Schriften kleinere Abschnitte gleichzeitig in die verschiedenen Buchstaben, ging sodann zu anderen Quellen über und kehrte nach einiger Zeit zu der anfänglich benutzten zurück.[49]

This has been confirmed by Strzelecki and Bona. The latter identified three phases in the construction of the *De Verborum Significatu*: first, the initial conception of the work and basic preparation, in which Verrius collected the works from which he intended to excerpt the individual glosses; then the reading and excerpting of those works, including the arrangement of the glosses according to the alphabetical order of the first letter of each *lemma* and the order in which the various works were examined. The final phase involved the rearrangement of the glosses already collected, following the alphabetical order of the first syllable, or, occasionally, preserving a thematic connection between adjacent glosses.[50]

It is interesting that this implies some intermediate state and format in the written work: Bona speaks in terms of 'index cards', though one should think rather in terms of Pliny's 160 papyrus rolls.[51] Again, as in Nonius, the works excerpted included both earlier compilations and original texts. This should not be overlooked: the works of Verrius and Nonius belong at the extreme ends of the imperial period, and so we should not dismiss any indication of a similar method that appears at the height of the Empire. For Gellius' procedure was much the same, as he tells us: 'whenever I read a Greek or Latin book, or heard something worth remembering, I would note down whatever took my fancy and place it in a sort of literary store'. Plutarch also had his own 'literary store': at the start of the *De Tranquillitate Animi* he explains that he has merely cobbled together material from his notebooks (ὑπομνήματα). It is interesting that

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49 Reitzenstein, *Verrianische*, 73 n.3.
50 Strzelecki, *Verrianae*, 80, 93-103; Bona, *Verrio Flacco*, 165-168, esp. p.167.
51 Cf. Wallace-Hadrill, *Suetonius*, 15: "Sometimes we get the impression of a large card-index system at work".

Gellius never refers to his having a book read to him - he either does his own reading or is the guest of someone who has laid on a reader as part of the entertainment for his guests - and it is significant that we often find Gellius at work in or browsing through the shelves of a library, or in a bookshop.[52] As Verrius Flaccus had intended to do, Gellius then re-worked his initial collection of material, embellishing it considerably. Gellius' ultimate intention was, of course, different, which perhaps makes it all the more significant that his initial method was the same.

I should turn now to consider the use made of these excerpts. There is always an attempt to form a literary whole out of these excerpts: even Gellius and Macrobius do more than simply write out these excerpts one after another. Commonly, however, the Roman antiquarians treat their sources in a not unsophisticated manner. For they show themselves clearly able to select from the same source information on different topics, and to collect information on one topic from several sources.

It seems likely that when Pliny speaks of works of art in the great collections at Rome, he made use of existing registers and catalogues (whether made in connection with the census of A.D. 73, or dating from the Augustan era). But, as Isager notes, "Pliny's exposition was certainly not bound by a classification according to locality. Instead it follows an outline that is based on materials and artists." So it would appear that Pliny has reworked all this information, and one thinks again of the method of composition of the *De Verborum Significatu*: these (census?) lists were perhaps excerpted in such a way that Pliny's notes on each work of art were 'filed' according to its genre. The same 'reconstruction' is apparent also in Pliny's account of the wonders of the world, which "are not dealt with as one group in the *Natural History* ... and the reason is that the discussion of the wonders is determined by the kind of material in which they were executed."[53] It is probably this use of their sources which places the antiquarian scholars above being 'mere compilers', a label which has probably

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52 *NA* Pref. 2: cf. 9.4.5, 12. Plutarch, *De Tranquillitate Animi* 1. On the form of these 'literary stores' cf. Skydsgaard, *Varro*, 102-115. Libraries: *NA* 11.17; 13.20; cf. 7.17. Bookshops: *NA* 5.4; 13.31; 18.4. Cf. J.E.G. Zetzel, *Latin Textual Criticism in Antiquity* (New York, 1981), 59-65.

53 Isager, *op. cit.* (n.26), 168, 187.

been applied to them precisely because they readily acknowledge their sources. It is evident also in Varro's writings: in the *De Lingua Latina*, Varro has extracted information from separate parts of his own work, the *Antiquitates*, and reassembled it in a different form for the discussion of something else. Similarly, the antiquarians (and here Gellius is a prime example) can dismember a continuous account to provide information on various odds and ends.

Even if we accept Skydsgaard's contention that "the ancient learned method, excerpting, in many respects strangled independent and critical research", it is still worth remembering that somebody must have done the research in the first place: it is unfortunate that we do not know who. But there were undoubtedly independent additions made by at least some scholars to the information contained in the antiquarian tradition. Such additions are by and large difficult to detect now, for they are rarely advertised: the regard for the *auctoritas* of the *veteres scriptores* must have meant that some independent research was subsumed under the name of, say, Varro, whose name lent one's own work a degree of *auctoritas*.

It seems clear that the content of the antiquarian tradition was kept up to date, as can be seen from the excerpt which Gellius has from Varro's Εἰσαγωγικός/ *Epistolicae Quaestiones*, which seems to have been updated to take account of the institutions of the Augustan principate. Pliny also tells us that he has added many facts unknown to his predecessors or discovered by subsequent experience: does he intend us to understand that these are the fruits of his own independent research and/or observation? Pliny's standard procedure is to present what his written sources say, following this with his own observations: Isager has recently argued that much of Pliny's text concerning works of art in Rome represents Pliny's own contribution. And indeed, Gellius reproduces an extract 'which Pliny said in Book 7 of his *Natural History* was not something he had heard or read, but which he himself knew to be true and had observed.'[54]

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54 *NA* 14.7; *NH* Pref. 17; Isager, *op. cit.*, 82, 139 and esp. 160-168; *NA* 9.4.13.

Pliny is probably our best source for autopsy as part of the antiquarian methodology: his use of the evidence of statuary has been considered by Maslakov, who concludes that "he appreciated that statues were an important historical source". Yet Pliny's observations on the ancient customs concerning the wearing of rings, which he bases on his own study of surviving statues, can be compared with the use of the evidence of statues made by Varro and Gellius to shed light on ancient shaving habits, and with Suetonius' use of a bronze statuette to show that as a child Augustus was called Thurinus.[55] There is also some evidence for the use of epigraphic evidence (as we saw in Chapter One): Varro, Cincius, Verrius Flaccus, Pliny, Suetonius, Gellius and Plutarch are among those who noticed the evidence of inscriptions. We may also recall here Cincius' comparison of an inscription from the Capitol in Rome with the surviving physical evidence from a temple at Volsinii in Etruria.[56] Some of this alleged autopsy was no doubt found in pre-existing literary sources: but again we must remember that somebody must originally have made these observations.

e) The historical perspective of antiquarianism

It is a common complaint against the antiquarians that they have a timeless view of the past and have no general, conceptual idea of the history of their subjects. This is one of Della Corte's criticisms of Suetonius: 'we can see Suetonius' antiquarian learning concerning the laws and customs of Rome, but often he lacked information about the background and the times and so could not always set a historical personage against his background'. Similarly Wallace-Hadrill notes that "what Suetonius nowhere attempts is an explanation of the phenomena he documents."[57] But this is to view ancient scholarship according to the standards of its modern counterpart and so to do it a disservice: Wallace-

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55 G. Maslakov, 'Valerius Maximus and Roman Historiography. A Study of the exempla Tradition', *ANRW* 32.1 (1984), 437-496, p.441 n.7. *NH* 33.6.26-28; *RR* 2.11.10; *NA* 3.4; Suet., *Aug.* 7.

56 Cf. A. Stein, *Römische Inschriften in der antiken Literatur* (Prague, 1931). Note also the ancient literary 'falsifications' of inscriptions collected at *CIL* 6.5.1*. Cincius: Livy 7.3.5-7; cf. J. Heurgon, 'L. Cincius et la loi du *clavus annalis*', *Athenaeum* 42 (1964), 432-437.

57 Della Corte, *Svetonio*, 155; Wallace-Hadrill, *Suetonius*, 32. K.R. Bradley, *Suetonius' Life of Nero. An Historical Commentary* (Brussels, 1978), 16 attributes this to the absence of any moralising or didactic element.

Hadrill comes closer to the reality when he writes elsewhere that "it seems not to have crossed his [*sc.* Suetonius'] mind to make an analysis of the public official documents of each emperor as a modern historian would." This is precisely the point: it would not cross an ancient scholar's mind to do so. Documentary, epigraphic and literary sources were all used by the Roman antiquarians, but were used only as something to be adduced in response to a particular question; there was no precedent for collecting and collating such source-material, at least with a view to forming an overall picture of a subject, unless, that is, there were more works like that of Atticus, which Nepos describes as recording all the laws, peace treaties, wars and illustrious deeds of the Roman people. But we do not know what this work was really like.[58]

But it would be to do another disservice to Roman antiquarianism to deny it any historical perspective. I should again emphasise our very incomplete knowledge of the antiquarian tradition: too little survives for us to be able to assess the full extent to which the Roman antiquarians related to changes in the political, social or economic situation the changes and institutions which they record, though it may well be right not to stress such an awareness. We should remember also that Gellius may not be typical: his work is not a continuous narrative, but a collection of articles, individually of limited scope (collectively of very wide scope), in which he discusses individual questions; he does not set out to present a general picture of an individual subject or a group of related subjects as did, for example, Varro.

The importance of the researches of the chronographers in the antiquarian tradition is uncertain, though it is undoubtedly significant that one of the longest articles in the *Noctes Atticae* is a synchronistic sketch of Greek and Roman history, though Gellius' stated aim here is limited and practical: he wanted to avoid making silly errors in dates and historical periods.[59] One of his sources here was Varro, who it is assumed did much research into chronology, the principal result of which was an answer to the controversy surrounding the age

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58 Wallace-Hadrill, *Suetonius*, 63. Nepos, *Atticus* 18.2.

59 *NA* 17.21. As Berthold notes (*Gellius*, 74f.) a not unimportant part of the *NA* is concerned with comparing Greek and Roman.

of Rome. But in this he seems to have followed Atticus who suggested the date of 753 B.C. in his *Liber Annalis*, and furthermore we know of no work of Varro devoted to chronology: it may be that he owed more to Atticus than is commonly assumed. In addition, there were several areas of common interest to the two, and both also wrote works entitled *Imagines*, although Varro's is more commonly known as *Hebdomades*.[60] In the *De Gente Populi Romani*, however, Varro aimed to show "la vetusta nobiltà delle gente romano" and illustrated "quid a quaque traxerint gente per imitationem".[61] This he did by starting his account with the flood of Ogyges: by the third book (of four) he seems to have reached the wanderings of the Trojan heroes and Aeneas. Although on a quite different scale this relation of Roman (pre-)history to that of Greece may be compared with Gellius' more modest attempts. The significance of chronology in the structure of the *De Gente* is disputed, but we can hardly underestimate its importance for the subject.[62] Such use of chronology does not, however, seem to have been widespread in antiquarian writing.

On the other hand, even in what little we have of Roman antiquarian writing we find repeatedly the observation of changes, and this is nowhere better documented than in what we now see as the peculiar emphasis on the use of etymology. What seems now to be an excessive reliance on etymology should not simply be condemned (because they were so often wrong). Rather it forms part of the Roman antiquarians' interest in changes: the origin or original meaning of something's name is used to reflect its original nature and/or purpose; and the changes in the meaning of the word, the changes which it underwent. Furthermore, this is an area of continued independent critical thought on the part of Roman scholarship: Gellius, for instance, has his own ideas on the etymology of some words.[63]

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60 On the two *Imagines* see above p.62. On the problems which Varro, and no doubt also Atticus and Nepos, hoped to solve, cf. Rawson, *Intellectual Life*, 245f.

61 P. Fraccaro, *Studi Varroniani. De gente populi Romani libri IV* (Padua, 1907), 70; Serv., *Aen.* 7.176.

62 Fraccaro, *ibid.*, 71, 82-110.

63 Cf. Holford-Strevens, *Gellius*, 134f.

First, we should compare Cicero, who notes that before one can discuss a subject, one needs fully to understand the meaning of the name by which that subject is known. We should also remember that the explication of the language of the *veteres* has as its concomitant an understanding (however slight in the modern view) of the changes in language: as Gellius himself notes,

> we can frequently see and note in old writings many words, which now have one, fixed meaning in common speech, but which used to be so indistinct and equivocal that they could mean and include two opposite things.

This needs to be stressed, for being able to perceive and trace the changes in the meanings of words reflects what might now be regarded as quite an advanced mentality. In a slightly different area, Zetzel noted that Gellius had some understanding of the processes of manuscript transmission and corruption.[64]

Gellius - and presumably others - were aware that things changed. For example, when he is talking about the meaning of *manubiae*, Gellius notes that the treasury is no longer controlled by quaestors but by prefects. He does not, however, connect the change to any particular event or person: it is Suetonius who tells us which emperors were responsible for changes in the administration of the treasury. This is of course to be expected: Suetonius the antiquarian is concerned to show the changes and institutions for which his subjects were responsible; the clearest example is probably his list of the *nova officia* created by Augustus. When Gellius discusses sumptuary legislation he goes through the individual laws in chronological order, but only in the case of that of Sulla does he say why the law was passed at that time:

> after years of neglect had consigned these laws to oblivion, many of those who had inherited large fortunes were frittering away large amounts and flushing away family and fortune down the plug-hole of lunch and dinner.

There is of course an element of moralising in this, but there is no indication that the olden days were 'better'. If anything is timeless, it is Gellius' moralising. Moreover, this passage seems as much a literary device to break up an otherwise rather monotonous list of laws and their provisions, as it is a genuine attempt to

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64 Cic., *Rep.* 1.24.28; *NA* 12.9.1; Zetzel, *op. cit.* (n.52), 63-65. See also pp.177ff. below on the antiquarian perception of change in language.

discern a law's historical background, an attempt which even by ancient historiographical standards would probably have been seen as wanting. But note that this would have been beyond Gellius' intentions: he was giving his readers a list of sumptuary laws to show the importance *apud veteres Romanos* of moderation; he was not aiming to give an account of the background to Sulla's legislative programme. Gellius indeed realises that such laws were necessary because the standards expected of the *veteres* were not maintained by them and, furthermore, he does not say that such standards were maintained, but rather only that legislation was one means of controlling luxury.[65]

Similarly, Gellius admits that he was at first surprised that Scipio Africanus used to shave, although he was under forty years old. Gellius decided to look into the matter further and tells us that he found out that in those days *nobiles viri* did shave when they were young. It might be objected that Gellius reproduced his brief history of shaving from his source(s), but in that case one may presume that that source had made the observation that this was the custom at that time: even if this research may not be allotted to Gellius himself, it may be claimed for Roman scholarship in general. It is interesting that one fragment of Varro's Menippean satire Γεροντοδιδάσκαλος also refers to the shaving habits of the *priscus homo ac rusticus Romanus*, and in the *De Re Rustica* Varro interrupts his discussion of sheep shearing to mention, on the evidence of an inscription at Ardea, that barbers and shaving were first introduced to Rome in 300 B.C. by one P. Titinius Mena. On balance, however, the article reads very much as though it is Gellius whose researches are here presented. For whatever reasons he may have had, he does not, however, mention Hadrian, who is credited with having changed the fashion.[66]

Two other remarkably long articles in the *Noctes Atticae* also betray an awareness of historical change. In the first Gellius rebuts Tiro's criticisms of Cato's speech *Pro Rhodiensibus* primarily by pointing out the circumstances in which the speech was delivered: his implicit criticism is that Tiro was wrong to judge Cato's speech by the standards of Cicero's forensic speeches, and it is

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65 *NA* 13.25.28-30; Suet., *Aug.* 36; *Claud.* 24.2; *Aug.* 37; *NA* 2.24.11.
66 *NA* 3.4. Varro, *Sat. Men.* frg. 186 Astbury; *RR* 2.11.10.

significant that Gellius prefaces his discussion with a long historical introduction to the background of the speech. Such an introduction is unparalleled in the *Noctes Atticae* and the whole approach is remarkably modern in its mentality.[67]

The second article is perhaps a more important example, for its subject matter is antiquarian. Gellius sets out, in the form of a dialogue between Favorinus and the jurist Sextus Caecilius, to explain various provisions of the Twelve Tables by relating them to the circumstances of the times in which they were written. The laws are defended by Caecilius who emphasises how life has changed since the laws were drafted:

> The passing of much time has obliterated the old words and customs by which the meaning of the laws can be understood ... The advantages and remedies of laws do not remain unaltered, but are modified in response to the *mores* of the times, to the conditions of public affairs, to contemporary considerations of their utility and to the ardour of the vices which are to be corrected; they are changed, just like the appearance of the sky and the sea, by the seasons of circumstances and fate.[68]

It is unlikely that we could expect to find a clearer expression and understanding of change and the historical motivations of change in an ancient writer.

Such perception of change is not restricted to Gellius: Macrobius' account of the corrections to the calendar made by Julius Caesar and Augustus is prefaced by an (albeit brief) note on the political (mis)use of intercalation. Similarly Pliny can trace developments in, for example, changes in fashion in the use of materials or perfumes and usually tells us when such fashions were introduced and by whom. His repeated references to the prices for various commodities are, on one level, connected with ideas about luxury, but at one point he adds the interesting caution that 'prices vary not only from place to place, but change almost every year.'[69]

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67 *NA* 6.3.
68 *NA* 20.1.6, 22.
69 Macrob., *Sat.* 1.14; Fashions: e.g. *NH* 8.74.195f.; 13.2.4-6. Prices: *NH* 33.57.164. Cf. 9.31.67f.; 9.63.137; 13.29.92; 15.11.40; 37.78.204 etc.

f) Emphasis on detail

Numerous examples of the perception of change could be cited from Gellius and others: I need note only the frequent occurrence of such phrases as *nunc quoque* or *etiamnunc*. But what is characteristic of such accounts of change is their often marked emphasis on detail: the picture is very rarely enlarged to take account of general trends, still less of the wider historical background with which those trends may be connected: Seneca's main criticism of antiquarianism was its detailed approach in contrast to the wider view of the philosopher.[70]

The treatment of topics in detail is particularly evident in Gellius' *Noctes Atticae*: he has a marked preference for working with matters of detail, and even when he considers a more general topic, such as questions of precedence of magistrates or of grammar, he does so in terms of detail, perhaps only drawing the general point in a closing sentence. It should again be stressed, however, that Gellius' *Noctes Atticae* is comprised of separate articles on various subjects, each of which is designed to be entirely self-contained. Even in the few exceptions where Gellius does refer back to an earlier discussion, he does not tell the reader where that discussion might be found and, moreover, the second discussion is always itself self-contained and does not require knowledge of what had been written in the earlier article. (Hence the work is designed in such a way that it need not be read in order: as Gellius explicitly states, the index prefaced to the *Noctes Atticae* enables the reader to find more easily any particular item of interest.) Many articles are, furthermore, very short and display a certain unity of theme, which would not allow of digressions into, for example, the historical background to whatever is under discussion, however important modern scholarship may regard such background material. We may compare Gellius' own comment on Varro's definitions of *indutiae* which he regards as somewhat lacking: 'it was clearly not Varro's business to define *indutiae* with great precision'.[71] It is most significant that it is in the longest articles in the *Noctes Atticae* that Gellius shows himself most aware of historical change.

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70 Sen., *Epp.* 108.30f.

71 *NA* 14.7.13 refers back to 3.18 and 18.4.11 seems to refer to 8.14. But note that 2.9 is linked to 2.8 by a reference to 'the same book of Plutarch'; 9.14 to 9.13 by "quod autem supra scriptum est" and similarly 11.10 to 11.9 ("quod in capite superiore scriptum esse"). Ease of reference: Pref. 25. *Indutiae*: *NA* 1.25.10f.

Turning to Suetonius who we might have thought could more easily than Gellius have noted the wider circumstances and consequences which may be connected to the changes and institutions of the Caesars, we can see that he too was constricted by the form in which he wrote, for he dealt, of course, with each emperor in turn and as an individual: at least explicitly he draws no general conclusions about the emperors as a whole. He also has a delight in detail: as Wallace-Hadrill notes, "extraction of the relevant detail is Suetonius' characteristic method." Wallace-Hadrill also sees precision of detail as indicating a sign of Suetonius' interest in a subject.[72] This may well be true, but it should be noted that such detail generally appears in connection with what may be seen as antiquarian subjects. Given that detail seems to have been a characteristic of antiquarian writing, precision of detail in Suetonius can be taken equally to indicate subjects of antiquarian interest and also Suetonius' connection with the antiquarian tradition. With the exception of so-called antiquarian digressions, the opposite is true in general of most ancient historiography.

Varro explicitly expresses his preference for detail in three fragments from the *De Vita Populi Romani*, particularly by comparing himself to Callicles, the painter of miniatures.[73] It is, then, by no means insignificant that the vast majority of Varronian fragments deal with points of precise detail. Let us note again, by way of example, that from Book 21 of the *Res Humanae* we have the discussion of only the rights of arrest and summons of magistrates.[74] It seems, however, difficult to believe that the entire book was devoted purely to considerations of detail, to the exclusion of any general discussion, although it was the preceding book which seems to have formed a general introduction (though even there the fragments seem to relate to details). Yet even if one were to contradict Varro's own testimony just cited and to suggest that there existed in the twenty-first book of the *Res Humanae* a wider, more general discussion of the Roman magistracies, then it would be significant that it is the detailed discussion which was preserved in the antiquarian tradition.

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72 Wallace-Hadrill, *Suetonius*, 15, 129.
73 Frgg. 1-3 Rip. Cf. Boissier, *Varron*, 169f.
74 *NA* 13.12; 13.13.

g) Presentation of alternative views

Almost in contrast to the emphasis on detail would seem a characteristic which we find in various forms in a number of antiquarians: an unwillingness to commit oneself to a particular view or explanation. This is undoubtedly at its most apparent in the *Noctes Atticae*, to the extent that it almost becomes repetitive when one reads the whole collection of articles from beginning to end (which again suggests that this is not how Gellius intended his work to be read). The principal exceptions to this are when idiots or those who pretend to learning are ridiculed: in these cases there is little ambiguity as to Gellius' views. Berthold sees this reluctance to reach a conclusion as an imperfection of the work and identifies various categories of this: Gellius can declare himself unfit to give his own verdict, he can reserve judgement, put off giving a decision or hide behind authorities.[75]

To list all the examples of Gellius' unwillingness to commit himself is unnecessary, but there are several points which should be made. Firstly, this does seem to be a characteristic of Gellius the person, as well as of Gellius the writer, if we are to believe what he tells us of himself: this is made clear when he gives, or rather does not give, his verdict on the case before him in his capacity as a judge: "iuravi, mihi non liquere, atque ita iudicatu illo solutus sum." Secondly, in this he seems to follow not only the antiquarian tradition but also his mentor Favorinus, who at one point says that 'according to the teachings of the sect of which I am a member, I am accustomed to inquire rather than to decide' and indeed Favorinus often appears in the *Noctes Atticae* as the questioner. Gellius' discussion of the Pyrronian sceptics shows that this is the sect to which Favorinus refers: 'they decide nothing and determine nothing, but are always engaged in inquiring and considering what there is in nature about which it is possible to decide and determine.' Furthermore, Gellius also tells us that Favorinus wrote ten books of Πυρρωνεῖοι Τρόποι. Finally, it is important to notice that often one may infer precisely the opposite of what Berthold saw as "Schülerscheu vor eigenem Urteil"; that is, rather, the teacher's attempts to get his students to provide the answer themselves, or to reach their own decision on

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75 Berthold, *Gellius*, 23-26. He gives examples of each of these categories.

a subject.[76] This is, of course, connected with the marked educational impulse, which may be detected throughout the *Noctes Atticae* and so is not an imperfection of the work. On at least two occasions this is made explicit and Gellius tells us that he has left unexplained what he presents in order to exercise his readers' minds.[77] Elsewhere he directs his readers towards further consideration of the matter in hand, and we may compare his account of how Fronto inspired him and others to the *studium lectitandi*.[78] On occasion, however, Gellius' desire to demonstrate the thoroughness of his scholarship can pre-empt such further research, as, for instance, when he includes a variant etymology 'lest it appear to some critic of these *Nights* better, simply because it seemed to have escaped my notice'.[79] The same tendency may be detected in those articles where Gellius collects various views or explanations, usually without indicating which is preferred: it is worth noting that an English translation of the majority of the final sentences of the articles in the *Noctes Atticae* would begin with the words 'but', 'however' or 'yet', most commonly introducing an alternative view.

This accumulation of different explanations reappears in most antiquarian writing (and also in much juristic literature). Della Corte suggests of Suetonius that he 'intends to stimulate interest: he collects the facts - all the facts - and displays them as if in support of a judgement, but this judgement never becomes explicit, but is entrusted to the readers.' This is applicable to a greater or lesser degree to all the known works of the antiquarians. Remarkably the idea that the accumulation of facts was all-important is probably less applicable to Suetonius than it is to others, for as Bradley noted, if this were the case then we would expect the later lives to have been longer and more detailed.[80] In the *Naturalis Historia* we find that Pliny presents various views on numerous subjects, for instance on the causes of thunderbolts. Regarding these, he remains non-committal as to whether they are the work of gods or of nature. Elsewhere, having presented a considerable number of superstitions, he does not answer the questions which he posed at the outset, all of which amount to the same 'why

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76 *NA* 14.2.25; 20.1.9; 11.5.3, 5; Berthold, *Gellius*, 24.
77 *NA* 12.6; 19.14.5.
78 *NA* 2.22.31 (unless this is a note to Gellius himself: cf. 3.3.8); 6.3.55; 7.8.4; 17.6.11. Fronto: 19.8. 16. For a different slant on this theme cf. 15.9.11.
79 *NA* 1.25.18.
80 Della Corte, *Svetonio*, 160; Bradley, *op. cit.* (n.57), 16 n.15.

are we superstitious?', but merely concludes that ' everyone must form his own decision about them as he pleases.'[81] The presence of alternative explanations can also be detected in Varro, in Verrius Flaccus and in Macrobius.[82] But generally there is less reticence in the *Saturnalia* about the giving of conclusions: thus at one point various etymologies of the word *Ides* are mentioned and Praetextatus says which he prefers: this decisiveness may be due to the dialogue form of the work.[83] It is noticeable that conclusions are more readily reached in the *Noctes Atticae* when the discussion is set within the framework of a dialogue.

That Varro was accustomed to offer more than one explanation is shown by a comment in Macrobius' *Saturnalia*: 'from this passage of Varro, we may deduce that he preferred the explanation which, as was his wont, he placed last'. This is very interesting: not only did Macrobius (or his source - it makes little difference to my argument) relay Varro's alternatives and actually make a decision about which should be preferred, but that decision is based on what we are led to believe was Varro's usual habit: that he usually put his favoured view last. Is this something that Varro had at some point made clear, or is it a result of the study of Varro's works by later scholars? If the latter were the case then it is interesting to note that someone must, however cursorily and for whatever purposes, have looked at Varro's methods, rather than, as is commonly assumed, only the results of his scholarship having been used by later generations.[84]

That Macrobius is correct, and it was Varro's custom to place his preferred explanation last, is suggested by Gellius who presents Varro's opinions as to the origin of the name of the constellation *Septentriones* and adds 'of his two explanations, the second seemed neater and more refined.'[85] Here Plutarch provides a useful comparison: in his Αἴτια he usually presents at least two (often more) alternative answers to his 'question' and Russell notes that "the most

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81 *NH* 2.53.138ff.; 28.5.29.

82 E.g. *LL* 5.18, 68 etc.; Paul., *Fest.* 93 *flaminius*; Fest., 161 *maximum praetorem, maiorem consulem* (Paulus at times fails to distinguish between alternative explanations); Macrob., *Sat.* 1.7.18-28; 1.7.32f. (both give three alternatives).

83 Macrob., *Sat.* 1.15.14-17; cf., e.g., 1.10.18; 1.11.50; .

84 Macrob., *Sat.* 3.4.3.

85 *NA* 2.21.8-11. Cf. *LL* 7.74 (which has only the first explanation!).

favoured solution usually comes last." Plutarch may have borrowed this from Varro, though it seems to be a characteristic of aitiological works: Russell derives it (ultimately, I might add) from Aristotle and it also recurs in the aetiological verse of Propertius and Ovid. It is not, however, a method universally adhered to in the antiquarian tradition.[86]

2. The Interests of Roman Antiquarianism

The writers whom I have characterised as antiquarian, possibly with the exception of Varro about whose predecessors we know next to nothing, seem to have had at least some conception of their part in a tradition of antiquarian writing: they cite their predecessors and display common characteristics and methods. There is in addition a common interest in a number of subjects, several of which I have already mentioned: generally in the past it has been their writing on these core subjects which has been the criterion for the designation of writers as antiquarian.

a) Antiquarian Subjects

Antiquarian subjects are clearly by definition those on which antiquarian writers concentrated, but an antiquarian writer need not necessarily have written only on antiquarian subjects. It would clearly be wrong to take as antiquarian everything which Varro, Pliny and Gellius wrote. Ancient scholars seem on the contrary by definition to have been polymaths and it is interesting that even today 'antiquarian' can be used to refer to studies which transcend the limited boundaries of scholarly research of the past: thus John Evans in his anniversary address to the Society of Antiquaries in 1986 described that society as "a bulwark against the increasing fragmentation of studies of the past through specialisation."[87] The very scope of the *Noctes Atticae* shows that we should assume that there is at least some rhetorical affectation in Gellius' avowed stance against polymathy.

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86 Russell, *op. cit.* (n.28), 45. Cf. Prop., 4.2; 4.10.45-48 and, in general, Miller, *art. cit.* (n.42), 391f., 411f. At *NA* 6.4 Gellius says the first (of two explanations) is better.

87 J.D. Evans, 'Anniversary Address', *The Antiquaries Journal* 66 (1986), 1-8, p. 2.

The most general antiquarian subject is simply 'the past': other interests of the Roman antiquarian scholars are merely subdivisions of this. Hence, antiquarianism appears as no less than the scholarly study of the past in all its aspects; 'scholarly', as opposed to historiography's rhetorical narration of *res gestae*. This study was further divided into the four main subject areas of *homines, loci, tempora* and *res*. These terms, however, hardly help towards a precise definition of antiquarian interests.

In a sense Varro's *De Vita Populi Romani* is the archetypal antiquarian work: in the first book Riposati has identified sections on the institutions of the kings (including the tribal and centuriate division of the people), socio-economic conditions, temples, religion and the calendar, cult and funerary practice, marriage, and the houses, foods, domestic equipment and clothes of the Roman people in the regal period. In the second book the institutions of the early Republic, the army and games, in the third coinage and in the fourth luxury appear as additional subjects. All these recur in later antiquarian writing. But should we not take the *Antiquitates* as the archetype? Certainly the name suggests that we should; and much of the material in the *De Vita* came from it. Yet to take the *Antiquitates* in its entirety as antiquarian by definition would blur the limits of antiquarianism beyond recognition, since in this work Varro seems to have covered just about every conceivable aspect of the past: it is then difficult to see whether there were any areas of Rome's past which antiquarian scholarship did not cover. But we know too little of precisely what Varro discussed: we do not even know the titles of the individual books and the fragments are not always particularly enlightening.

For example, in several of Varro's works we may detect a section *de hominibus* ('on men'): we have little idea of what the hexad *de hominibus* of the *Res Humanae* contained, though Boissier (probably correctly) saw the hexad as effectively a *de viris illustribus*, and indeed we can detect the traces of such a treatment in the *De Vita*. But it is difficult to see biography and works *de viris illustribus* as being antiquarian, though of course no study of the past could dissociate itself entirely from the important figures of that past. This is, of course, only an assumption and we have no idea of Varro's approach here. Turning to the corresponding divisions of the Εἰσαγωγικός *ad Gnaeum*

Pompeium and the *Res Divinae*, we find that Varro discusses magistrates and priests respectively. Again, when he discusses 'men' in the *De Lingua Latina* it is the names of magistracies, priesthoods, military ranks and of several occupations which are his subject. But Gellius tells us that the magistracies were discussed in the twenty-first book of the *Res Humanae* in the hexad *de rebus*, and there is no reason to disbelieve him. So in the *Res Humanae* it would seem that Varro had a different idea of what he should discuss *de hominibus*.[88]

Similarly, we do not really know what Varro meant by *loci* in the *Res Humanae*: in the Εἰσαγωγικός and *Res Divinae* these are the places where the senate met and temples, shrines and other religious places (the last another imprecise, now undefinable term). Presumably Varro presented what would now be seen as a study of the topography and monuments of Rome, as is reflected in the *De Lingua Latina*), but there must have been considerable duplication of material with that in the corresponding section of the *Res Divinae*, unless Varro had some dividing line which may no longer be perceived.[89] The marked paucity of fragments from these first two hexads of the *Res Humanae* suggests that Varro's information *de hominibus* and *de locis* was regarded by later antiquarians as of lesser importance. Perhaps, then, this information was not something that these antiquarians thought should interest them. But, as we have little idea what this information was, a definite conclusion cannot be reached.

It is, however, clear that the rest of the *Antiquitates* contained material suitable for antiquarianism. Information on the calendar reappears throughout antiquarian writing, as does that on magistracies, the senate, the assemblies, the organisation of the people in peace and particularly at war - antiquarian research into the army and its institutions and customs is particularly frequent[90] - religious rites, priesthoods, temples, clothes, foodstuffs, the law, coinage, festivals and games and the theatre. To discuss and list examples of antiquarian writing on all these subjects would require more space than the present work

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88 *LL* 5.80-94; *NA* 13.12.5f.; 13.13.4-6.
89 *LL* 5.41-56, 145-165.
90 Cf., e.g., *LL* 5.87-90, 115-117; 7.52, 56-58; *NA* 10.25; 1.11; 5.6; 10.9; 16.4; 10.8; 1.25 (from *RH de bello et pace*) etc. Cf. Rawson, *Intellectual Life*, 240f.; Wallace-Hadrill, *Suetonius*, 129-131.

allows. It is interesting to note, however, that within these broad subjects there were items of particular interest to the antiquarians, or at least those of which there is more frequent discussion in what we have of their works. I shall consider, by way of example, antiquarian writing on the Roman magistracies in Chapter 5.

Generally, most interest is displayed in what would seem the more arcane subjects (though how arcane these subjects remained following the attentions of the antiquarian tradition may be doubted) and in the creation of institutions and customs. The former is exemplified by such discussions as those of tribunician sacrosanctity, of the *flamen Dialis* and of augury. Interestingly, Macrobius praises Vergil's ability to make his text conform to the more esoteric elements of religious practice: 'This is how he would provide full coverage to religious secrets: as if incidentally'.[91] The creation of institutions and customs is found frequently, for instance in Suetonius, but is perhaps at its clearest in the elder Pliny, who hardly ever fails to mention the first use or introduction to Rome of the many things which he discusses.[92] Wallace-Hadrill adduces Telephus of Pergamum to show that Suetonius' "choice of subjects was by no means peculiar" and to show that Suetonius was writing in a, or the, Greek tradition. Precise parallels between Telephus and Suetonius, however, may not be drawn, as we have the antiquarian works of neither writer, only their titles and the influence of Greek antiquarianism on its Roman counterpart is not sufficiently clear to allow a firm decision on this. Indeed it is possible that Telephus wrote on Greek subjects in the tradition of Roman antiquarianism; as Wallace-Hadrill notes, Telephus was a generation younger than Suetonius and must have spent some considerable time at Rome, for he is attested by the *Historia Augusta* as one of the *grammatici Graeci* of L. Verus.[93]

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91 Macrob., *Sat.* 3.4.5. Cf. *NA* 3.2.14-16.
92 On Suetonius cf. Wallace-Hadrill, *Suetonius*, 77f., 127, 130 n.12; 139.
93 Wallace-Hadrill, *Suetonius*, 45; *HA Verus* 2.5.

b) Antiquarianism and the gods

It will be noticed that while religious institutions are included in this list of antiquarian subjects, no mention has been made of the deities themselves. We have already seen that the section of Varro's *Res Divinae* on the gods (*de dis*) formed a less important part of the whole, and we have Augustine's testimony that this section was little more than an appendix to the work. Varro's account was, of course, influenced by the nature of Roman religion: Roman paganism was not a 'book religion' and any religious laws were concerned more with prescribing practices than belief.[94] Similarly, Gellius seems not to have consulted the *Res Divinae*, or even the section on the gods, primarily for information on gods; and in general, there is little sign of religious piety or superstition in the *Noctes Atticae*.[95]

But there is little indication that Varro took any less care when writing about the gods, and one should presume also that Augustine's enumeration of the gods which were discussed by Varro is only a probably very brief précis of what Varro had written. So was there after all a place for the discussion of gods in antiquarianism? Varro returned to them, as he did to most of the subjects of the *Antiquitates*, in the *De Lingua Latina* and discussed the names of several gods and their origins.[96] There was then a precedent for antiquarians to discuss the gods, though probably not theology: besides Varro in the first book of the *Res Humanae* it would seem to be only Pliny and Macrobius who had thoughts on theology.

Pliny's thoughts are essentially that it is all nonsense: superstition is probably the subject on which Pliny most likes to polemicise and, as Köves-Zulauf has noted, he often refers to religion as *superstitio*; indeed, Pliny regards man's desire to discover the nature of god as a mark of the *imbecillitas humana*, on a level with the *deliramenta* of children. He has, however, a rationalising view of religion and gods which is that they are but one manifestation of Nature, the *historia* of which he is writing, which also explains the inclusion of the subject

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94 *CD* 6.3. On the *Indigitamenta, libri rituales, libri haruspicum* and *libri fulgurales* as merely prescribing formulae and rituals cf. Boissier, *Varron*, 202f. and Agahd, *op. cit.* (n.21), 130-134.

95 Cf. Holford-Strevens, *Gellius*, 212-214.

96 *LL* 5.57-74.

in his work.[97] Macrobius discusses a number of gods, listing their attributes and the origins of their names: by the fifth century A.D. such matters may largely have become the province of antiquarian research alone. Macrobius' main purpose, however, is to show that all these gods should be seen merely as individual manifestations of one god, Sol. Outside the section in which he presents these views, it is significant that gods appear only as the objects of the rites which he discusses. It is interesting that Propertius saw as the subjects of antiquarian verse-writing 'holy rites, the calendar and the ancient names for places': while this is a more restricted conception of antiquarianism than I have suggested for the prose antiquarians with whom I am concerned, it may be noted that here too gods are not a subject of interest *per se*, as is also the case in Ovid's *Fasti*, and, incidentally, that 'ancient names for places' may be compared with Varro's sections *de locis*.[98]

Only twice does Gellius discuss a god *per se* and in one of these articles he is as much concerned with the pronunciation and declension of the name as he is with the attributes of the god. Furthermore, both articles start from the presence of the gods' names in prayers. Another article illustrates the uncertainty at Rome as to which god sacrifice should be offered when there is an earthquake: Gellius' main point is the procedure of the sacrifice.[99] Gellius' three other references to gods (all of which also mention Varro) all present information, for which the names of the gods merely provide supporting evidence.[100] It is interesting that in the fragments of the *De Vita Populi Romani* Varro discusses religious matters only in the first book, that on the regal period; and furthermore the relevant fragments relate to the cult of the gods. If we were to see gods as having a place in the antiquarian tradition then we might expect antiquarian interest to focus on the early period and more particularly on the attitudes of the *veteres* to the gods and so on the development of their cult.

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97 T. Köves-Zulauf, 'Plinius d. Ä. und die römische Religion', *ANRW* 2.16.1 (1978), 187-288, pp. 193ff. *NH* 2.5.14, 17; cf. 2.55.143f.; 11.114.273; 28.4.17; 28.5.22-29.

98 Macrob., *Sat.* 1.17-23; Propertius 4.1.69.

99 *NA* 5.12; 13.23; 2.28.

100 *NA* 3.16 (on the length of pregnancy); 16.16 (on the origin of the name Agrippa); 16.17 (on the origin of the name of the *ager Vaticanus*).

c) Romano-centricity

The Romano-centricity evident in Varro's *Antiquitates* is a feature of much antiquarian writing, as well as of Varro's satires. When Varro mentions in the *De Lingua Latina* some other towns of Latium, it is only in so far as they were connected with the *stirps Romana* and we very rarely find in the antiquarian tradition any mention of anything which does not have a connection with Rome.[101] This is perhaps at its clearest in Lydus' *De Magistratibus*: although writing in sixth century Constantinople to show the continuity between the magistracies, especially the prefecture, of the Byzantines in the age of Justinian and those of earlier times, it is the magistracies of old Rome which are his main subject. Lydus' *De Mensibus* and *De Ostentis* display similar characteristics and are clearly based on similar works of earlier Roman writers. The former "deals especially with the ancient Roman calendar and its feasts", the latter "with the origin and progress of the art of divination", though the Etruscan and Roman *doctrinae* were apparently adapted to Byzantine matters. As Isager notes, "Pliny cites Roman *exempla* wherever they can be found".[102] It is noticeable that when Gellius is outside Rome he does not discuss antiquarian matters.

Not that all those at Rome showed no interest in the antiquities and customs of other towns and countries: it seems just to have been antiquarian writers who focussed their interests in this way. Marcus Aurelius, for instance, wrote to Fronto to enthuse about the *res antiquas ... aedes sanctasque caerimonias* of Anagnia, the ancient capital of the Hernici, and we hear from the *Historia Augusta* of the pleasure which Septimius Severus derived from the antiquarian and religious interests of a voyage up the Nile. Perhaps then Gellius' notes on attitudes to theft in Athens, Egypt and Sparta, Macrobius' comparison of the Roman calendar to that of Egypt and Varro's notes on the division of the day by the Athenians, Babylonians and Umbrians should all be seen as atypical of the antiquarian tradition and, therefore, not antiquarian subjects. But this seems too firm a distinction and, moreover, these notes merely provide introductory or comparative material for their discussion of the system prevailing at Rome.[103]

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101 *LL* 5.144.

102 Cf. Bandy in his edition of Ioannes Lydus, *On Powers or The Magistracies of the Roman State. Introduction, Critical Text, Translation, Commentary, and Indices by Anastasius C. Bandy* (Philadelphia, 1983), xxviii-xxxii. Isager, *op. cit.* (n.26), 59f.

103 Fronto, *Ad M. Caes. et Inv.* 4.4 (pp. 60f. v.d.H.²); *HA*, *Sep. Sev.* 17.4; *NA* 11.18; *Sat.* 1.15.1f.; *NA* 3.2.

There are no firm distinctions between what is antiquarian subject matter and what is not. Any aspect of the Roman past could be written about in an antiquarian manner, though some aspects, such as political and religious institutions, lent themselves more than others (accounts of warfare or political intrigue for example) to the systematic nature of antiquarian writing. It is worth noting that at some point a conscious decision must have been made to identify and treat such subjects separately (from historiography), and that such a decision must have been in response to, or in anticipation of a need for information on the subject in question. And once such a subject had been treated in this manner, it then became natural for future accounts on the same and similar subjects to be presented in the same manner. It is tempting to suggest that Varro may have made that decision.

To illustrate this, let us take by way of example the case of the censorship (which I shall consider more fully in Chapter 5 below). The history of the censorship, as of any institution, would be included in the narratives of the annalistic historians, but the various stages of its history would be mentioned at various stages of the narrative, and it would be difficult to draw together an account of the censorship's development over the years from such a narrative. The antiquarian approach, on the other hand, would be to isolate items relating to the censorship, supplementing them with any relevant documentary evidence, and to present them together as a coherent history of the censorship.

It is worth stressing that, particularly in the intellectual context of ancient Rome, this is as valid an approach to history as any. Moreover the general historical framework in which the history of an institution such as the censorship belonged, was probably reasonably familiar to the few with the ability to consult written works. There was presumably a need for this information, though an interest in the past for its own sake cannot be rejected out of hand. Given that the majority of the audience will have consisted of Rome's political elite, the most probable need that such antiquarian writing was meeting was that of a guide to public life, which would include both the religious and the political institutions on which the antiquarians expended so much effort. It is significant

that antiquarian writing seems to have developed amid the turmoil of the late Republic and its resolution after the civil wars: at those times antiquarian writing would provide a useful source (and point) of reference.

There was, however, much antiquarian writing on institutions of private life, such as the drinking of wine, sitting or reclining at table, the use of foodstuffs and domestic utensils. A slightly different explanation of this is required. Again we cannot simply discount that the elite of Rome found these aspects of their past interesting, as many today find their own past interesting. Possibly antiquarian writing on such private institutions could also serve as something approaching a handbook of etiquette. It is also possible that, having produced systematic histories of political and religious, the antiquarian writers turned their attention to the institutions of private life, in a spirit of intellectual inquiry: to see whether, and to what extent the methods which they had developed (or at least adopted) for political and religious institutions could also be applied to other areas. These are all, of course, the initial aims of the earlier antiquarian writers: later scholars continued to write on the same subjects, presumably partly to replace older works, copies of which were now scarce, partly to win fame and partly because there was still a wide interest in many of the subjects previously covered by antiquarian works, even if those subjects had little direct relevance for the present.

3. CONCEPTS OF LUXURY AND THE *MOS MAIORUM*

a) Antiquarian moralising?

The aim of antiquarianism is often seen as in some way to restore the past, or at least its standards; advocating a return to 'Victorian', or rather 'Catonian values'. Indeed the headline of a review of Holford-Strevens' *Aulus Gellius* in *The Times* referred to Gellius as a "yuppy Roman fogy [*sic*]".[104] Modern scholars seem accustomed to think of Varro as a moraliser, and hence it is presumed that all antiquarians are by definition moralisers. On this basis it is easy for modern scholarship to detect moralising in the works of antiquarians. To reject this view entirely would be wrong; nevertheless this assumption should

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104 P. Stothard, *The Times* January 12th 1989, p.17. On the absence of moralising in Gellius cf. Holford-Strevens, *Gellius*, 33f., with n.75; 188-191.

be questioned. As we have seen, modern scholarship also allots to the antiquarians a timeless view of the past: this squares uneasily with the view that every mention of the past and its *mores* is a criticism of contemporary *mores*.

Rawson placed great stress on the moralising element in Varro, especially in the *De Vita Populi Romani*. The *Menippean Satires* can also provide a rich crop of moralising for those who want to find moralising in them: from among others of similar content, there is, for instance, the so-called 'Rip van Winkle' satire, *Sexagesis*, in which the main character awakes after fifty years' sleep to find Rome a rather different place than it was when he had fallen asleep.[105] The satires, however, are perhaps not the best guide. Again we have to deal only with brief fragments, mainly from Nonius' lexicographical work, and so our conception of Varro's satires can only be based on assumptions; and these assumptions are usually made on the basis of that other which sees Varro as in all things a moraliser. From Cicero's *Academica* we get a picture of the satires as containing essentially philosophy, but presented in such a way as to make the subject seem attractive to Roman readers. In this there may be a little wishful-thinking on Cicero's part and there were probably exceptions among the individual satires, but Cicero is our only guide as to their general nature. Moreover, even if we accepted that the satires were moralising in aim, we might wonder how typical of the Varronian corpus were these early works; and would we not expect to find in satirical writing (even in its Menippean form) attacks on and criticisms of contemporary society?

The moralising element in such works need not, therefore, be as important as is often assumed. Varro was a scholar and in all the fragments of his works he appears concerned with facts, often minute facts, or at least the recovery of a reasoned account of the particular aspects of the past with which he concerned himself. Very few, if any, fragments display an explicit criticism of the present as compared to a better past: it would, however, be interesting to know the context of a line from the satire *Aborigines*, περὶ ἀνθρώπων φύσεως which says

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105 *Sat. Men.* frgg. 485-505 Astbury. A hypothetical reconstruction of this satire is provided by Sigsbee in E.S. Ramage, D.L. Sigsbee, S.C. Fredericks, *Roman Satirists and their Satire. The fine art of criticism in ancient Rome* (Park Ridge, New Jersey, 1974), 59f.

that 'an old horse is not better than a young one'. Significantly the protagonist in the *Sexagesis* is told "erras Marce, accusare nos; ruminaris antiquitates", though without the context the precise import of this is lost.[106] Gellius preserves two fragments from the satire Περὶ Ἐδεσμάτων, one of which criticises someone for devoting too much *industria* to ensuring that his baker makes good bread rather than spending some time in the study of philosophy: this may be seen as criticising a contemporary obsession with fine cuisine, but we do not know the context and furthermore the reference to philosophy supports Cicero's assessment of the satires. The second fragment presents a list of culinary delicacies, but it is interesting that the idea that one should feel disgust at the industrious search of the whole world for such delicacies is prompted not by Varro, but by Gellius' recollection of some lines of Euripides, as quoted by Chrysippus.[107]

In the fourth book of the *De Vita* Varro speaks of the Gracchi as having split the state into two, the devastation of the towns of Italy, of the *cupiditas honorum* and *amor imperii* of magistrates which led to bloody sedition and of the luxury of Lucullus. Now Varro *could* have presented such accounts merely as accounts of fact without moral judgement, or at least without insisting that such things could not have happened in the time of the *veteres Romani*, whoever they might have been: Varro, the student of Rome's past, could hardly have ignored all the internal struggles of that past. But this is an extreme view, though perhaps merely the other extreme to that which sees Varro as always having a moralising purpose. It might be argued that Varro's moralising is implicit, or became explicit in what is now lost, but we cannot tell if this were the case. It is worth bearing in mind that Varro's summary of the Gracchan reforms is not entirely unjustified.

Luxury was also undoubtedly something of a literary *topos*, and so it may well be that it is impossible to avoid giving the impression of moralising in the description of luxury, however neutral in tone that description may have been. Boissier readily found a moralising element in much of Varro's output, yet also

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106 Frgg. 5 and 505 Astbury.
107 *NA* 15.19; 6.16.

counselled caution regarding such expressions of regret for the passing of the 'good old days'. Were we to see a constant moralising element in Varro, then we should bear in mind Boissier's questions:

> N'y avait-il pas dans cette simplicité sévère, dans cet éloge des moeurs antiques, et dans ce soin de paraître les reproduire, plus d'ostentation que de vérité? Nous fait-il bien connaître ses veritables sentiments et sa vraie manière de vivre, ou ne faut-il pas plutôt croire qu'il continuait à jouer un rôle qu'il s'était imposé?[108]

If we look at those works which survive, we find little trace of moralising in, for instance, the *De Lingua Latina*: on at least one occasion here, Varro refers back to his childhood, but only to remember how a type of table was used. As for luxury, in the *Res Rusticae*, the only work of Varro to survive in its entirety, we learn from the third book that Varro owned aviaries and the like, which are moreover said explicitly to be for pleasure rather than profit. Of course there is no reason why Varro should not have been a hypocrite in such matters, and he does discuss the luxuries which were to be found in the villas of the rich. As Boissier noted, this material does not appear in Cato's analogous work.[109] Furthermore, throughout Book 3 of the *Res Rusticae* there is a marked lightness of tone which suggests that what criticisms of luxury there are should not always be taken too seriously; moreover, the luxury of the times appears principally as a prerequisite for a good financial return from one's land. For instance, Varro refers to the villa of an aunt where the aviary alone brings twice as much as the two hundred *iugera* of one of the interlocutors, Axius' farm at Reate; and it is noted that if fashions were to change then the aviary might go bankrupt, which Varro hopes will not happen. The production of luxury foodstuffs is thus seen throughout merely as the best way of making the most money from one's land.[110] This becomes apparent in the criticism of salt-water fish-ponds, not so much for the luxury involved in owning them, but for their unprofitability: Varro objects to the attitude of Hortensius to his fish - and the criticism is personal - not the existence of fish-ponds as such.[111]

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108 Boissier, *Varron*, 363.
109 *LL* 5.125; *RR* 3.5.9-17; 3.13.1; Boissier, *Varron*, 363f.
110 *RR* 3.2.15f. Cf., e.g., 3.4.1; 3.9.18; 3.16.10f.
111 *RR* 3.17.2; 3.17.5-8.

Macrobius' attitude to luxury appears more complex; yet the instances of luxury which he gives in the *Saturnalia* seem to be presented more for their curiosity value than for criticism. It is, for example, 'amazing and shameful' that the eggs of peafowl were sold in the late Republic for five denarii each, while at the time of the dialogue, we are told, they were sold not cheaply, but not at all. Similarly it is pointed out that luxury was not disdained even by *gravissimae personae*: 'who could be accused of luxury in those days when the banquets of the pontiffs were packed with so many exotic foods?' Macrobius finds it surprising that Varro should have discussed the fattening of hares and snails. What is surprising is this remarkable reversal of the 'normal' attitude of moralising to show that 'in those days they were far more concerned with delicacies than we are now.'[112] The tone of the discussions of what might now be seen as luxury regarding the keeping, buying and eating of fish is remarkably neutral.[113]

Pliny not only discusses fish as a foodstuff, but also mentions a considerable number of other delicacies. Most frequently, however, these notes should be seen as merely part of his scheme to describe the natural world, all its products and all the uses to which those products are put by men: he seems not to regard everything that is expensive as a luxury item. That at the time of Maecenas the foals of donkeys were a great delicacy and preferred to wild asses, though they later went out of fashion, that the serving of dormice was banned by *censoriae leges*, that certain parts of the tuna were considered as delicacies, although the throat induces flatulence in the eater, are all presented by Pliny merely as part of his discussion of the nature and uses of donkeys, mice and fish.[114] The invention of oyster ponds, fish ponds and even special ponds for lampreys are presented without comment and seem to reflect more the antiquarians' interest in institutions and inventions. Similarly Pliny's list of the the most costly products of the sea and the land contains no condemnation (unless we are to impute sarcasm) and this is the case with his the vast majority of his notes on expensive items. He does not even comment on the methods by which the provision of the sumptuary law of C. Fannius were circumvented: rather this provides another

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112 *Sat.* 3.13.2, 10-13, 15f.
113 *Sat.* 3.15-16.
114 *NH* 8.68.170; 8.82.223; 9.18.48. At 10.72.141 he says that he is giving 'merely the clearest indication'.

method of improving the eating quality of chickens. As Isager comments, "it is evident that the usefulness of Nature is the enduring subject matter of the Natural History" and the catalogue of man's discoveries and inventions in the seventh book of the *Naturalis Historia* "is conducted in a non-moralizing tone, even when it comes to the discussion of arms".[115]

Pliny does not, however, abstain from all comment on *mores*, and indeed he appears as probably the most consistent of the antiquarians in his condemnation of luxury. On only one occasion does he shy away from giving examples "quae referendo pudet docere": most commonly he regards it all as rather ridiculous. Thus, while the table bought by Cicero for half a million sesterces and another belonging to Gallus Asinius which cost a million are examples of the use of trees, they are also part of what Pliny sees as the *mensarum insania* and he finds it beyond reason that they should need to go all the way to India for something (pepper), the only virtue of which is its *amaritudo*; similarly the luxurious use of scent is beyond his comprehension.[116] On occasion, however, his views are stronger: men drenched in perfume he thinks should be executed; he finds the wearing of the produce of the sea as clothing or ornaments particularly disgusting; and he condemns the high price of cooks, although he also notes that one fish might cost as much as three cooks: 'virtually no human being is more highly valued than the one who is most skilful in making his master bankrupt.'[117] Elsewhere Pliny's moralising is more considered and we learn that he considers that the bequest of Attalus' kingdom to Rome in 133 B.C. struck the most serious blow against Roman *mores*. It is interesting that when he mentions here that a coincidence of fate led to the rise of luxury and the fall of Carthage at about the same time, he does so for the sake of completeness (*ne quid deesset*). This phrase reflects the method of composition of much of the *Naturalis Historia* as much as any moralising intention: nothing was to be omitted.[118] Of the bounty of Nature he sees shellfish as providing the greatest *populatio morum* and *luxuria*.[119]

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115 *NH* 9.79.168 - 9.81.171; 37.78.204; 10.71.139f. Isager, *op. cit.* (n.26), 61, 36.
116 *NH* 13.29.91f.; 12.14.29; 13.4.20-23.
117 *NH* 13.5.25; 9.53.105; 9.31.67.
118 *NH* 33.53.148-150. For what Pliny sees as marks of the decline of Roman moral standards cf. *NH* 14.1.5.
119 *NH* 9.53.104.

There is some suggestion that things were better in the olden days, as in the reports of early regulations regarding the use of wine (a subject which recurs in the writings of the Roman antiquarians), the low prices in the past and the moderation which used to be exercised in the size of farms, whereas by Pliny's day '*latifundia* have ruined Italy and are now doing the same in the provinces'.[120] He does not, however, make clear his definition of 'the olden days' and there is little indication that he seeks a return to the past: if there is a political message in the *Naturalis Historia*, it is that the Flavian dynasty is a marked improvement on its predecessor. Indeed, Pliny's criticism is not reserved only for his own day: I have mentioned the *mensarum insania* of the Ciceronian era and he is apparently disgusted that in no sumptuary law was any provision made restricting the importation of marble; again, while he notes that the Twelve Tables never use the word *villa*, but rather use *hortus* in that signification, and *heredium* for *hortus* (a note which could easily have found a place within the *Noctes Atticae*), and while he airs his view that a small kitchen garden should be sufficient to supply all one's needs, he also traces the origin of large private gardens in towns to Epicurus at Athens. Furthermore, like Varro, he betrays a certain liking for some of the things against which it is presumed he inveighed. He is often in two minds regarding the use of luxury materials in works of art and far from all culinary delicacies are condemned: when, for instance, he admits that there is some debate as to who was the first person to discover the mode of production of foie gras, Pliny calls it *tantum bonum*.[121]

Gellius' attitude to luxury is similar to that of Pliny, though his condemnations are fewer. The only explicit statements of abhorrence of luxury come when he tells us that he learnt by heart a speech of a *vetus orator*, *de cenarum atque luxuriae obprobratione* in support of a *lex Licinia de sumptu minuendo* in order that he 'would be able to remember the true hatefulness of such an extravagant lifestyle' and, as we have seen, when he reminds himself of some lines of Euripides which illustrate the needlessness of the search for culinary delicacies.[122] We have also seen the detached nature of Gellius' account of

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120 *NH* 14.14.88 (cf. *NA* 11.13); 18.4.15-18; 18.7.35.

121 *NH* 36.2.4; 19.19.50-55; 10.27.52.

122 *NA* 15.8 (The manuscripts' attribution of the speech to Favorinus is clearly wrong: Favonius is a probable emendation. Cf. the notes of Gronovius and Marache *ad loc.* in their editions); 6.16.

Rome's sumptuary legislation: elsewhere his adducing of Claudius Quadrigarius and Scipio Africanus to show that *nequitia* refers to a prodigal and wasteful way of life is merely part of a wider discussion of the meaning of *levitas* and *nequitia*.[123] Similarly Gellius' article on *vivaria*, the animal enclosures which are often assumed to be among those objects most condemned by 'antiquarian moralisers', is concerned only with the different names for such enclosures.[124] Holford-Strevens is undoubtedly correct to see such apparent *moralia* simply as commonplaces which "by no means imply that their authors lived on Epicurean bread and cheese". As Boissier suggested of Varro, it is all merely posturing and, again as Holford-Strevens notes, the "rich men under the Antonines ... had no wish to see Fabricius rise from the dead and expel them from the Senate for owning ten pounds of silverware, or to curtail the pleasures of their table in accordance with a sumptuary law like those enacted in the late Republic."[125] It is then significant that when Gellius presents examples of censorial *severitas*, there is no connection with luxury and, according to Gellius, edicts expelling philosophers and rhetors from Rome were promulgated 'in uncultured times, unembellished by Greek learning'. It is also interesting that a quotation from Cato's *Carmen de moribus* mentions not only that in the olden days people showed moderation in their dress and that horses used to cost more than cooks, but also that writing poetry was not an honourable occcupation then and those who devoted themselves to it were dismissed as 'vagabonds'. Clearly the 'olden days' were not invariably seen as 'the good old days', and it is most unlikely that Gellius, and perhaps even Cato, would have advocated a return to them.[126] Tales of moral austerity were always popular at Rome, but the reasons for their appeal are probably more complex than is often allowed. It must remain for others to discover those reasons, for this falls outside the scope of the present work, since the antiquarian writers of Rome were not in general particularly prone to moralising.

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123 *NA* 6.11.7-9. For further *moralia* presented without moralising comment cf. 15.2; 10.23; 11.14.

124 *NA* 2.20.

125 Holford-Strevens, *Gellius*, 203, 188f.; cf. also p.34. On Fabricius cf. *NA* 4.8.7; 17.21.39.

126 *NA* 15.11.3; 11.2.5.

b) The *mos maiorum* and the *veteres*

The most common explanation of the appeal of stories and *exempla* presenting the austerity of the ancient Romans is an ever-present retrospection and adoration of the *mos maiorum*. Two questions arise from this explanation: what was the *mos maiorum* and who were the *maiores*? Roman writers use the phrase *mos maiorum* to refer to precedent or inherited custom, but usually they have in mind some particular precedent(s) or custom(s). It would seem that the phrase was used in a purely abstract sense with less readiness and frequency by ancient scholars than it is by their modern counterparts, for whom it represents a convenient form of expression to sum up the Roman tendencies towards retrospection and their supposed canonisation of the past. In general this modern usage perhaps lacks some of the *auctoritas veterum* which it is often intended to express. It may then be wrong to speak of an ancient concept of the *mos maiorum*, though it seem clear that the *mos* and the *mores maiorum* were highly valued at all periods of Rome's history. There is always the implication that the *mos maiorum* was somehow superior, though, of course, the concept of *maiores* must have changed almost with each generation. While we should now question the idea of nobility, Earl's sentiment was clearly correct: "To the Roman nobility *mos maiorum*, custom and precedent, were the Republic".[127] We need compare only the well known formulation of Ennius that "moribus antiquis res stat Romana virisque", which was much cited in antiquity, and in the *De Re Publica* by Cicero, who virtually identifies *mos maiorum* and *respublica*.[128] Plumpe, who has an interesting section on the *mos maiorum*, points out the formulaic nature of the term, though was astray in asserting that 'it became a fixed phrase, always *mos maiorum*, never *mores maiorum* or *mos maiorum nostrum*.'[129]

It is difficult to discern the antiquarians' attitude to the *mos maiorum* and whom they perceived as the *maiores* or *veteres*: the antiquarians very rarely make clear their definition of who were the *veteres*. The fragmentary nature of Varro's works and the possibility that the *De Lingua Latina* and *Res Rusticae* are not

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127 D. C. Earl, *The Moral and Political Tradition of Rome* (London, 1967), 30.
128 Ennius, *Ann.* 500; Cic., *Rep.* 5.1ff.
129 J. C. Plumpe, *Wesen und Wirkung der Auctoritas Maiorum bei Cicero* (Bochum-Langendreer, ?1932), 61ff.

typical of Varro's antiquarian works prevent us from retrieving his views on the subject. In the *De Lingua Latina* it is the writers of Latin comedy and tragedy who are most often cited and Varro generally adds no comment on them or why they should be seen as suitable *auctoritates*. This of course reflects Varro's researches into the stage and the dramatic art and also the fact that Book 7 is devoted to the subject of poetic diction. Varro did, however, write *de moribus* and Macrobius quotes from this work to show how Vergil's use of the word *mos* can be seen to accord with the definitions of Varro and Festus. According to Macrobius, Varro saw *mos* as a judgement of the mind and *consuetudo* was what followed *mos*. Servius also preserves a definition of *mos* provided by Varro, unfortunately without naming the work from which it is taken, though it may well belong with that provided by Macrobius, for it is essentially the same. In this definition Varro sees *mos* as 'the common consensus of all those living at one time, which, after it has existed for some time becomes *consuetudo*'.[130] As interesting as it is to note that Varro felt it necessary to define *mos*, this does not really help towards any idea of Varro's conception of the *mos maiorum*.

Festus defines *mos* as an *institutum patrium; id est memoria veterum pertinens maxime ad religiones caerimoniasque antiquorum*. The connection with religious rites is interesting, but unfortunately Festus does not make clear who the *veteres* or *antiqui* were. Macrobius quotes Festus' definition, changing *antiquorum* into *maiorum*, which suggests that this undefined group of old Romans was normally referred to as the *maiores*. In what survives of Verrius Flaccus' *De Verborum Significatu* there is no definition of *veteres* or *maiores*, and we may doubt that a satisfactory definition could have been given. There is, however, in Paulus' epitome an entry which might have explained that the *veteres* also used *antiquus* to refer to people: but the text is corrupt and the meaning remains obscure. A detailed study of Festus may well provide valuable information on the use by Verrius Flaccus of the *veteres scriptores*.[131]

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130 Macrob., *Sat.* 3.8.8-14; Serv., *Aen.* 7.601.

131 Fest., 157 *mos*. Paul., *Fest.* 26 *antiquum* (cf. Müller's note *ad loc*). Alternatively, Verrius may have been writing about parts of buildings: cf. Lindsay, *Gloss. Lat.* 4.123 *ad loc*.H. E. Dirksen, 'Die römisch-rechtlichen Quellen der Grammatiker Verrius Flaccus und Festus Pompeius', in *Hinterlassene Schriften* 1.64-108, pp.79-84 deals with terms such as *veteres* in Festus: he sees them as Festus' own shorthand for the several, separately identified, authorities which would have been cited by Verrius. For a similar survey of Pliny's usage of such terms in the *NH* cf. H. E. Dirksen, 'Die Quellen der Historia naturalis des Plinius, insbesondere die römisch-rechtlichen', in *Hinterlassene Schriften* 1.133-148, pp.136f. with notes 15-18.

Macrobius does not provide a suitable subject for such a study since much of the *Saturnalia* can be seen to have been taken *verbatim* from his sources and we should probably assume that this is the case for virtually the entirety of the work. Macrobius' borrowings include the references of his sources to the *mos maiorum*, the *maiores* and the *veteres*, and hence the majority of those views expressed are probably not his. In the absence of his antiquarian works, Suetonius is not especially useful on this subject either, for references to earlier writers are few in the extant works, as we would expect from one who is commonly supposed to have done much of the research for his imperial biographies in the imperial archives. Furthermore in the *vitae Caesarum* he is concerned more with the times, in which his subjects lived than with antiquity: what references there are to the past tend to be in general, imprecise terms. Again, however, detailed research into Suetonius' views in this area may well have its dividends, as probably would similar research into the Elder Pliny. I shall, however, look now specifically at Gellius' views on the *mos maiorum* and the related concept of the *veteres scriptores*.

c) Gellius' use of the *mos maiorum* and the *auctoritas veterum*

One might have supposed that the concept of the *mos maiorum* would have been rather congenial for Gellius. On the contrary, however, Gellius seems to have avoided using these words. The preface of the *Noctes Atticae* contains much that is programmatic for the rest of the work, but nowhere refers to *maiores*, *veteres* or uses similar terms. This initial impression is confirmed by what remains of the following twenty books: Gellius very rarely speaks in general, nostalgic terms of a past which was superior in its *mores* or even infallibly so in its use of language. There are instances where the *mores* or the language of the past are seen as superior, but particularly with regard to the former, the connection with the past is only implicit, often at most signalled by reference to the consular year. How easily could the date have been recognised by his readers? In most cases he usually only says something like *antea* or 'in those times', without specifying when those times were.[132]

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132 E.g. *NA* 1.14; 1.23; 3.4. Cf. also 5.19.6 where there is no mention of the *vetustas* or *antiquitas* of an oath said to have been formulated by Q. Mucius Scaevola - perhaps the name would have been enough to fix the period; similarly at 11.18 only the mention of the *decemviri* indicates a connection with the past and 15.27, on the Roman assemblies, makes no mention of *maiores* etc.

The form *mos maiorum* occurs in the *Noctes Atticae* only seven times, and the *mores maiorum* are mentioned on only four occasions. In seven of these eleven instances Gellius either is, or seems to be, reproducing the words of another.[133] This leaves four occasions when Gellius himself refers to the *mos/mores maiorum*: in each of these he uses the words in a particular concrete sense - that of the unwritten rules of olden times - which is a usage not unfamiliar from the works of the legal writers.[134]

Gellius also uses *mos* on its own in this almost legal sense a number of times: thus he speaks "de iure atque more veterum sponsaliorum", of the "ritus et mos auspicandi", of the "disputandi mos atque ratio", "de officiorum gradu ... moribus populi Romani observato" and he uses the phrase *mores legesque* several times.[135] Of course there is not always a clear distinction between this use of *mos/mores* and that in the sense of custom, which is also used by Gellius on a number of occasions.[136] But when Gellius uses *mores* in the more abstract sense of 'morals' or standards of behaviour, he is generally again quoting someone else.[137] Gellius himself seems to use *mores* in this fashion on only four occasions, and on none of these can the abstract signification of *mores* be beyond dispute. Thus a mention of the *egregii veterum mores* refers to specific instances of particular words and is not a general description of how things used to be.[138] To talk about the way that life used to be Gellius seems to prefer the less coloured *victus*.[139]

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133 *NA* 6.19.5 (quoting from a tribunican decree); 13.12.4 (Ateius Capito in turn quoting Antistius Labeo); 14.7.4, 7 (from Varro, if indirectly); 15.11.2 (from a censorial edict); 16.10.16 (from Sallust). At 4.20.10 Gellius refers to a speech of Scipio Africanus, "quam dixit in censura, cum ad maiorum mores populum hortaretur", words which may have formed part of the title of the speech, at least in the form in which Gellius read it: cf. 5.19.15 where the same (?) speech is described as *de moribus*.

134 *NA* 6.15 (L); 10.24.3; 10.28.2; 11.1.4. Cf. A. Steinwenter, 'Mores', *RE* 16.290-298.

135 *NA* 4.4 (L); 3.2.10; 16.2.1; 5.13 (L), 2. *Mores legesque*: e.g., 6.18.1; 13.2.1; 16.13.4.

136 E.g. *NA* 4.9.13; 4.11.10; 4.20.11; 5.13.3; 13.20.5; 18.10.5 etc. Elsewhere *mores* refers to a person's character: 1.9.2; 2.6.9; 4.3.2; 4.8.3; 12.1.20; 14.1.15, 29; 17.10.2; 19.9.1 etc.

137 *NA* 1.10.3 (Favorinus); 12.4.1 (Ennius); 13.12.4 (Ateius Capito); 17.19.3 (Arrian); 18.7.3 (Domitius "Insanus"); 20.1.6, 22 (Sex. Caecilius); 14.2.8 (an anonymous litigant).

138 *NA* 11.18.12. Cf. 5.13.1; 13.18.2; 13.18.5.

139 E.g. *NA* 2.24.1; 10.23 (L), 1; 11.2.3; 11.14.1; 15.2.6.

For the Romans in general there seem to have been two principal conceptions of the *maiores*. Firstly, they were one's personal ancestors: this sense may be ignored in Gellius' case as he does not mention his family background.[140] Secondly, in a wider sense, the *maiores* are the quintessential Romans who were responsible for the establishment of all that was admirable in the Roman state. This is the principal sense in which Cicero used *maiores*, and it occurs widely in a number of Latin writers.[141] But Gellius seems to avoid *maiores* when speaking of the old Romans. On only four of the twenty-three instances where the word *maiores* is used in the *Noctes Atticae* is Gellius not quoting someone else, and in one of these four, the words *mos maiorum* come only seven words after Gellius' more usual *veterum consuetudo*: here, it seems, Gellius is merely trying not to repeat himself.[142]

Perhaps the most striking feature of Gellius' notes on language and literature is his insistence that people should be aware of precisely what a word means and hence only use words which fit the context precisely. And the word *maiores* of course contains an implicit value judgement: that the old Romans were the better Romans.[143] Perhaps Gellius felt that in what he was writing there should not be this assumption of the superiority of the old Romans. As we shall see below, Gellius' faith in the *veteres* was not unshakeable. We should note, therefore, that in the three remaining instances of Gellius' use of the word *maiores*, he seems to make use of this colouring of the word and so allows the *auctoritas* of the *maiores* to be understood. It is perhaps important that in these cases Gellius refers to something which is still valid in his own day: for instance, fines are imposed *nunc quoque* in the same way that they were imposed by the *maiores*.[144]

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140 This is how Servius (*Aen.* 8.268) and Ulpian (*D.* 2.4.4.2) define *maiores*.
141 Cf. Plumpe, *op. cit.* (n.129) and H. Roloff, *Maiores bei Cicero* (Göttingen, 1938).
142 *NA* 10.24.3. At 4.9.6 he is quoting Cicero; 4.20.10 (probably Scipio); 5.13.4 (Cato); 5.13.5 (Masurius Sabinus); 5.19.15 (Scipio); 6.19.5 (a tribunician decree); 9.2.10 (Herodes Atticus); 12.13.26 (Cicero); 13.12.4 (Ateius Capito); 14.2.21 (Favorinus); 14.2.26 (Cato); 14.7.4, 7 (Varro); 15.11.2 (a censorial edict); 16.10.16 (Sallust); 19.1.13 (an anonymous Stoic); 20.1.41 (Sex. Caecilius); 20.6.3 (Sulla); 20.6.14 (Sallust).
143 Cf. Roloff, *op. cit.*, 67-71.
144 *NA* 11.1.4; 6.15 (L); 10.28.2.

In contrast, when Gellius uses *vetus/veteres* he is usually referring to something of the past which is no longer current and, therefore, does not require the *auctoritas maiorum*, which is a phrase that he does not use.[145] Rather than *maiores*, Gellius usually relies on the various forms and cognates of *vetus* and *antiquus* in speaking of the old Romans and of the past in general, and he seems to see these as synonymous: both are used to refer to things of some age,[146] to things of 'the olden days' - in referring to 'the olden days' he often uses the adverb *antiquitus*[147] - but most frequently to refer to the people of the olden days: *veteres nostri, veteres Romani, veteres Graeci, antiqui oratores, antiquissimi Romani, antiquiores nostri* and so on, both Cato and Homer being called *antiquissimus*.[148]

The term *veteres*, however, is generally used more specifically (and often without further qualification) of old writers. By far the majority of Gellius' references to something, or someone, being *vetus* or *antiquus* are those to the *veteres scriptores*. He mentions these *veteres* no less than ninety-five times and a total of forty-two writers, from Pindar to the jurist Masurius Sabinus, are called *veteres* in the *Noctes Atticae*, the most frequently so cited being Cato, Plautus, Cicero, Varro, Ennius and Claudius Quadrigarius. So Gellius' basic criterion for the inclusion of a writer among the *veteres* seems to have been that he should have written before the Augustan era.[149] There are, of course, exceptions: on one occasion he calls a word 'new' which he thinks began to be used shortly before the time of Cicero and elsewhere he refers to the *commentarius* of a *vetus grammaticus* (whose name is hopelessly corrupt) who

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145 Unlike, e.g., Cato and Cicero: cf. Roloff, *op. cit.*, 58; Plumpe, *op. cit.* (n.129), 33.

146 E.g. *vetera verba* (1.10.1; 1.18.2); *in libris* (or *scriptis*) *veteris* referring to old manuscripts (2.14; 4.16.2; 9.14.1, 6, 20; 13.31.6; 18.9.1; etc.); *in antiquissimae fidei libro* (13.21.16); *antiqui orationes* (13.23.1); *voces antiquae* (18.6.8); *antiqui conprecationes* (5.12.1; 13.23 (L); etc.).

147 E.g. *vetus*: 3.2.14; 4.11.1; 2.21; 5.5.1; 10.12.9; 15.4.1; 11.3.4; 12.2.2; *antiquus*: 1.11.9; 2.24.2; 3.2.14; 4.14.1; 7.5.1; *antiquitus*: 2.15 (L); 5.6.7; 6.4.3; 6.14.7; 10.8.1; 11.1 (L); 11.2.3; 16.4.2; 16.5.8.

148 E.g. 13.9.5; 10.10 (L); 2.24.1; 2.28.2; 1.9.6; 10.10.1. Cato and Homer: 2.13.1; 2.15.1; 5.20.6; 19.9.9; 13.25.12; 7.2.14. The variety of references to *veteres* was noticed by H.E. Dirksen, 'Die Auszüge aus den Schriften der römischen Rechtsgelehrten, in den Noctes Atticae des A. Gellius' in *Hinterlassene Schriften* I (Leipzig, 1871), 21-63, pp.30f.

149 This is at its clearest at *NA* 13.6.4. Cf. 5.20.1. As Nettleship noted, the list of authors quoted by Nonius stops at the Augustan age (the exceptions are Gellius and possibly seven glossaries of indeterminate date): H. Nettleship, 'Verrius Flaccus II' in *Lectures and Essays on subjects connected with Latin Literature and Scholarship* (Oxford, 1885), 222-247, 231.

recorded the emperor Claudius' inclusion of the Aventine within the *pomerium*.[150] Similarly, Gellius is not entirely consistent in his references to Cicero: sometimes he is included among the *veteres*, sometimes he is contrasted with them.[151]

Gellius' invocation of the *veteres scriptores* is usually in connection with the establishment of the *auctoritas* for a particular usage or form of a word or phrase: hence not usually in connection with antiquarian material, though the parallel with Varro in the *De Lingua Latina* is obvious. The most cursory reading of the *Noctes Atticae* (and also of Fronto) will reveal the general assumption of the purity and correctness of the language of the *veteres*. Furthermore, Gellius insists on Cicero's *auctoritas* and one one occasion defends him against the criticisms of 'monstrous men who have been so perverse and so stupid that they dared to write that Cicero was not correct and careful in his use of language.' This is Gellius at his most indignant and, coupled with his notes on Vergil, provides a useful counter to the common modern view, based on the description of Hadrian's literary tastes in the *Historia Augusta*, of the second century as an exclusively archaistic society.[152]

Sometimes, then, the *veteres* are seen as the best sources of the best Latin, or as providing the *auctoritas* required before one should accept a doubtful or disputed usage. But, as we have seen, other articles suggest the *auctoritas* lent by the *veteres Romani* to those laws or customs which have survived into Gellius' day. So there is sometimes a more general admiration of the past.[153] But in a significant number of articles it is evident that for Gellius, *vetustas* does not in itself confer *auctoritas*; and it soon becomes apparent that he does not possess the absolutely blind faith in the past, with which he is often credited. He can even use the word *vetus* in a deprecatory sense.[154]

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150 *NA* 13.22.6; 13.14.7.
151 E.g. *NA* 6.11.2; 9.14.9; 12.10; 12.13.17; 13.17.2; 15.13.9; 9.12.4; 6.9.
152 *NA* 17.1.1. Cf. 10.3; 15.3.7; 15.5.6-8; *HA*, *vita Had.* 16.6.
153 Cf., e.g., *NA* 4.14.1; 2.28.2.
154 *NA* 13.21.15.

So Gellius distinguishes the *idonei scriptores*, who spoke (and wrote) correctly and well, and whose works carry the desired *auctoritas*.[155] We may compare the advice of Fronto, as recorded by Gellius, to investigate whether particular words are used by any orator or poet 'provided that he belongs to that older gang, that is an accepted, classical writer, not one of the mob.' It is unfortunate that we are not told whose works belonged in the canon, to which Fronto refers here.[156] Gellius and his contemporaries perceive both the merits and faults of ancient literature and thus the Roman *veteres* begin to appear far from sacrosanct: on one occasion he suggests that the *antiquiores* used a word *non probe* and similarly he has Sulpicius Apollinaris declare that he can find no reason for a particular usage, 'except for the *auctoritas* lent to it by a certain degree of antiquity, which was neither particularly worried nor careful about the use of language', which amounts to an allegation that the *veteres* spoke carelessly. Even Plautus cannot be relied on to provide *auctoritas* for the use of words.[157]

It is worth noting that Gellius is concerned about an excessive reliance on the *auctoritates* of the early writers, and even Fronto is made to wonder whether his judgement might have been blinded by his regard and reverence for Claudius Quadrigarius and for all early Latin.[158] It is evident that Gellius does not wholeheartedly approve of the excavation of ancient vocabulary, at least not by the uninitiated. He condemns the use of 'excessively trite words, unusual words, words which are unpleasantly novel and especially those which are new, unknown and not in general use'. He goes on to say, however, that he thinks that 'even archaic words can seem just as unpleasantly new, although they are ancient': it is difficult to see what there can be left of which Gellius might approve.[159] We should compare Fronto, "the paragon of Latinity". In his *De Orationibus* addressed to Marcus Aurelius, it becomes clear that he too is against the coinage of new words, and indeed warns his former pupil against such activity.[160] It should be noted, however, that Gellius does not regard colloquial

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155 *NA* 11.6.3; 2.6.6 although the latter might be read as referring to the *veteres* in general.
156 *NA* 19.8.15. Cf. 13.22.7; 9.4.3 on *veteres* with *auctoritas*.
157 *NA* 1.4.1; 17.1.9; 20.6.12. Plautus: 18.9.6.
158 *NA* 13.29.3. Cf. 18.7.3; 15.9.6; 1.10.2f; 11.7.7-9.
159 *NA* 11.7.1f.
160 E. Champlin, *Fronto and Antonine Rome* (Cambridge, Mass., 1980), 58. Fronto, *De Orat.* 13f. (=p.159.7-17 v.d.H.²).

language as being somehow debased and as something to be avoided, as becomes apparent from the entirely neutral attitude towards Laberius' use of vulgar, colloquial and invented words, and generally the attitude towards the invention of words is similar, as is apparent from the mention of the delights of the words invented by Cn. Matius.[161] There were precedents for such a view: Horace had admitted the need to invent words and suggested that such coinages should be based on Greek; and Varro also had defended the use of such neologisms. As we would expect, however, there is no blanket acceptance of these various neologisms, but rather Gellius takes into account the merits of the individual cases and author(s) in question.[162]

The key perhaps comes in a letter of Fronto to Marcus Aurelius where, after praising the latter's endeavours in unearthing *verba insperata atque inopinata*, Fronto points out the great caution needed in using these words, so that they are not used 'unsuitably, with a lack of clarity or of refinement', and Fronto continues: 'it would be much better if you used vulgar and common words, rather than obscure and recherché ones, if these are going to mean little.'[163] It appears then that the principal aim of both Fronto and Gellius was lucidity of expression, which in their view was achieved by the use of the *mot juste*, whether the *auctoritas* of that word came from the *veteres* or from usage. This explains Fronto's criticism of a speech by Marcus Aurelius for being in parts unclear through 'new-fangled diction' and the apparent contradictions of Gellius' various utterances regarding the invention of words and the differences between ancient and contemporary usage of words.[164]

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161 *NA* 16.7; 20.9.1. Cf. the mention at 15.14.4 of something in a speech of Q. Metellus Numidicus that "nove dictum esse": whether Gellius sees the expression in question as 'new' or 'unusual', he accepts it, presuming it to be an imitation of Greek.

162 Horace, *Ars Poetica* 52f; Varro, *LL* 9.19ff. Cf. especially *NA* 18.11.2.

163 Fronto, *Ad M. Caes.* 4.3.3 (=p.57.22-27 v.d.H.²).

164 On *elocutio novella* see L.A. Holford-Strevens, 'Elocutio Novella', *CQ* 26 (1976), 140f. and A.D.E. Cameron, 'Poetae Novelli', *HSPh* 84 (1980), 155-158. As both argue, it is clearly not any new theory of style invented or championed by Fronto. On ancient and contemporary usage cf., e.g., *NA* 18.9.4; 17.2.11, 18; 12.13.5. Note also, J.E.G. Zetzel, 'Statilius Maximus and Ciceronian Studies in the Antonine Age', *BICS* 21 (1974), 107-123, which includes an edition and commentary of the fragments of Statilius Maximus' "collection of *singularia* (rare words) culled from the works of Cato and Cicero" (p.109).

What emerges from Gellius' notes on language is the same neutral attitude which may be detected in his antiquarian articles: his view of the past appears in general to be remarkably unencumbered by an idea of the moral, or even (though to a lesser degree) intellectual superiority of that past; and perhaps the most striking feature of many of the references to the past is the absence of any evaluation, positive or negative, of the material which he presents. This appears also in his references to the colloquial, or at least current language of the second century A.D., which point to the degree to which he saw usage as the primary governing principle of language, although he may not always agree with the contemporary usage of words. Here again he seems to share the views of the antiquarian tradition.

Further research is needed before it can be ascertained precisely how far Verrius Flaccus and Festus shared this view, but a cursory reading of the *De Verborum Significatu* reveals little to contradict such a view: that a dictionary was needed to explain the words of the *veteres* implies a realisation that the use of language has changed and, of course, the work as a whole reflects Gellius' preoccupation with the precise meaning of words. Most significantly, however, Varro also saw how language had changed and was changing: "consuetudo loquendi est in motu". Elsewhere, more generally, he notes that 'few things are not distorted by *vetustas* and there are many which it obliterates ... the third generation does not see someone in the same way that the first did.' Indeed he sees the observation of how words, old and new, have changed as helpful for the investigation of the origins of words.[165] This may be compared with what has already been said about the antiquarians' perception of historical change.

Much more could be said about Gellius' views on language. It is unfortunate that the works of Marache on this subject are not good guides for the unwary, since they are for the most part based on preconceptions, particularly regarding the myth of a stylistic doctrine of *elocutio novella*, which have been or should be challenged. But even this brief survey suggests the question of how far

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165 *LL* 9.17; 5.5f. The importance of usage in governing the rules of language also appears in Horace, *Ars Poetica* 70ff. and Quintilian, *Inst.* 1.6.3.

linguistic matters came within the purview of the antiquarian.[166] This question returns us to the preparatory stages of antiquarian scholarship, for a concern with language, and particularly with the understanding of the language of the *veteres*, appears to a greater or a lesser degree in the works of all the antiquarians. Antiquarian scholarship naturally relied to a great extent on what had been left to posterity by the *veteres*, whether it be the material which they deposited in Rome's archives, their literary works or, to a lesser extent, the physical monuments of the past. The lesser attention paid to the latter is significant: archaeology as we understand it was not a discipline developed at Rome. When ancient buildings or monuments are mentioned, they are either seen as important for their atmosphere - as in Marcus Aurelius' letter to Fronto about Anagnia - or reference has to be made to the writings of the *veteres* to explain their purpose or meaning. Thus, for instance in the *Noctes Atticae*, when Favorinus, looking at the ornamentation of Trajan's forum, wonders what the inscription *ex manubiis* means, or in Macrobius' *Saturnalia*, when the temple of Saturn, its foundation and uses are discussed, it is on what the *veteres* had written about *manubiae* and the temple that the discussions are based.[167] Pliny could adduce a building or monument as evidence for something, and presumably others would too; but in the surviving antiquarian literature such physical remains of the past are generally discussed or explained with the help of the *veteres*, with whose help all aspects of the past are discussed and explained.[168]

Summary

It is in the discussion and use of the *veteres* that the inter-disciplinary nature of antiquarianism becomes most evident. Similar views on language are found in such patently non-antiquarian works as the *Ars Poetica* of Horace and the *Institutio Oratoria* of Quintilian; and Fronto, in his correspondence with and education of Marcus Aurelius and Lucius Verus, also makes use of examples provided by essentially the same *veteres scriptores* who appear as

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166 R. Marache, *La critique littéraire de langue latine et le développement du goût archaïsant au IIe siècle de notre ère* (Rennes, 1952); *id.*, *Mots nouveaux et mots archaïques chez Fronton et Aulu-Gelle* (Paris, 1957). Cf. Holford-Strevens and Cameron *artt. citt.* (n.164).

167 Fronto, *Ad M. Caes.* 4.4 (pp. 60f. v.d.H.²); though even here the *libri lintei* preserved at Anagnia are accorded equal importance; *NA* 13.25; *Sat.* 1.8.

168 E.g. *NH* 14.2.9; 15.36.120; 16.79.216 etc.

the primary sources for much antiquarian writing. Just as today, for example, the works of the early Latin dramatists could provide information on both the Latin language and ancient life: the antiquarians may have concentrated on the latter, but a certain tendency towards encyclopaedism led them to include the former also. We need always to bear in mind the vital part played in ancient scholarly research by the reading of the *veteres*.

Perhaps, then, antiquarianism should be divided into two main areas of interest, even though there is often no clear dividing line. Firstly, there is a 'historical antiquarianism', which concerned itself with such matters as antiquities (in the sense that Lord Elgin or Sir John Soane collected antiquities), life and customs, legal, political and religious institutions, and more especially the origins of these. Thus Rawson saw antiquarianism as covering "almost any aspect of the life of the past, though there was a bias to religious customs and political institutions."[169] Secondly, we may detect a 'literary antiquarianism', which manifested itself primarily in the study of the *veteres*, and may thence be connected with archaism, though ideas of an 'archaising movement' are probably to be rejected. Thus archaism shows itself to be a close companion, if not indeed part of antiquarianism. Syme went further and even saw "a discreet enthusiasm for suburban archaeology" as the result of the archaistic predilections of the age of Tacitus: it would be interesting to know what Syme had in mind.[170] Yet it is clear that archaism would encourage antiquarian studies precisely by the necessity it produced for a study of these *veteres:* it is often difficult to make a distinction. For instance, Brock used archaism and antiquarianism almost as interchangeable terms, and at Rome at least both seem to have had as long a history.[171] As long as the *veteres* were read, whether for pleasure or instruction, there would be a need for the explanation of some words which they used and of some of the institutions and practices to which they referred. There is little reason to see in the second century any renaissance of archaism: just as a certain degree of nostalgic retrospection had always existed at Rome, so archaism is a more or less constant presence, merely its intensity varying from one period to another. Sallust, for instance, was condemned by Asinius Pollio for archaism, and Suetonius recalls Augustus' criticism of affected and archaistic language as well as Tiberius' fondness for obsolete and recondite language.[172] Horace criticised the absurdity of judging poetry by its age rather than by its intrinsic merits, thereby rejecting the preference of the Roman literary world for what was old, a world in which were active such avowed archaists as the *tyrannus Atticae febris*, Annius Cimber.[173]

We have seen that there are a number of subjects and features which betray a common methodology, and which are shared by the antiquarian scholars at Rome and suggest their, and their awareness of, belonging to a tradition of antiquarian studies. It is striking that this tradition seems to have become

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169 Rawson, *Intellectual Life*, 233.
170 R. Syme, *Tacitus* (Oxford, 1958), 502.
171 M. D. Brock, *Studies in Fronto and his Age* (Cambridge, 1911), Ch.3, *passim.*
172 Suet., *Gramm.* 10; *NA* 10.26; Suet., *Aug.* 86.2.
173 Horace, *Epp.* 2.1; [Vergil], *Catalepton, Epigram.* 2; cf. Suet., *Aug.* 86.3.

static following the Augustan period, after which no attempt seems to have been made to revise the boundaries of antiquarianism, only to refine the results of the researches of their predecessors. But how could those boundaries have been revised? They could hardly have been extended since, as we have seen, antiquarianism covered virtually every aspect of the past: we should perhaps see this refinement as the the natural progression of antiquarian scholarship in the wake of Varro. If we see Varro's works as encyclopaedic, it becomes easier to see why there was little advance on them.[174] The only advance would be when new situations posed new questions, to which the answers were not provided by the existing encyclopaedias: and in any case it was usually continuity with the past which was stressed at Rome, rather than the innovation of institutions. It is unlikely that, without the development of new disciplines, such as scientific archaeology, Varro could have been 'improved' on: his successors had access only to the same sources which he had used. Moreover, it should be remembered that it is now impossible to ascertain the extent to which Varro did much more than collate the researches of his predecessors. On the other hand, we know remarkably little about how much competition there was in the scholarly circles of Roman intellectual life, particularly in the centuries A.D. If such competition were absent, there would quite naturally be little need or incentive to expand one's subject or to innovate one's treatment of it, though it is worth remembering that Gellius' treatment is innovative.

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174 Cf. Dahlmann, 'Varro', 1257.

4 Antiquarian Writing on Rome's Political Institutions

> Urbem Romam a principio reges habuere; libertatem et consulatum L. Brutus instituit. Dictaturae ad tempus sumebantur; neque decemviralis potestas ultra biennium neque tribunorum militum consulare ius diu valuit. Non Cinnae, non Sullae longa dominatio et Pompei Crassique potentia cito in Caesarem, Lepidi atque Antonii arma in Augustum cessere; qui cuncta discordiis civilibus fessa nomine principis sub imperium accepit.
>
> (Tacitus, *Annals* 1.1)

The brief summary of the history of Rome up to the establishment of the Augustan principate, with which Tacitus opens the *Annals* is little more than a summary of the history of Roman public law; that is, a sketch of the institutions, in particular the magistracies, by which Rome was governed. This was history as the antiquarian scholar would have seen it, not the historian. Yet Tacitus of course wrote in the tradition of Roman annalistic historiography. Now, if we bear in mind the emphasis placed in historiography on rhetoric and the narration of morally sound stories, we perhaps have a clue as to the importance of antiquarian scholarship and the role which it had to play in the intellectual life of Rome. The history produced by ancient historiography aimed as much, if not more, at edification than instruction. On the one hand it required space for rhetorical elaboration; on the other, it could not admit the protracted discussion of details of the nature and development of the institutions established by the personalities on which historiography focussed. Antiquarian scholarship, on the contrary, was concerned with facts: its main aim was the establishment of an unimpeachably factual record of Rome's past, as seen in the development of the legal and social constraints on public and private life, and in particular of her public law. Whether the results of antiquarian research were indeed facts is not

of primary concern here; they seem generally to have been respected as a true record. And these 'facts' could, of course, be condensed more easily than much of the work of the historians. When a clear, brief outline was needed, it was natural for that outline to be based on such 'facts', as in the case of the opening sentences of Tacitus' *Annals* cited above.

An interesting parallel to Tacitus' summary of the development of Rome's political institutions appears in the surviving epigraphic record of the emperor Claudius' speech concerning the admission of Gauls to the senate. Claudius seeks to illustrate the fluidity of the form which the government of the state took: his account of the history of Rome's political institutions is less condensed than that of Tacitus, and allows him to introduce not only some of his Etruscan learning, but also something of the antiquarian's fondness for explaining the names of things. Yet in essence the two accounts are very similar, in that for a brief history of the Roman state both base themselves on the development of the magistracies. Similarly Cicero's account of Roman history in the *De Re Publica*, though much fuller, lays great emphasis on the history of the State's political and religious institutions.[1]

The development of the Roman magistracies formed a convenient framework for a history of Rome which was more concerned with establishing a factual record than with literary elegance. Speeches, battles and narrative had a place in the Roman view of the past, yet the basic chronological framework for the history of the Republic seems often to have been provided by the development of Rome's political institutions, particularly the magistracies.

It follows then that there would have been a particular importance laid on the establishment of an accurate (or at least accepted) account of the development of Rome's political institutions, to which the magistracies were of course fundamental. The various political and religious institutions which made up the Roman constitution also came within the ambit of Roman law, though not the civil law with which the jurists were most concerned (as attested above all in the Justinianic *Digest*), but the public law, the *Staatsrecht* of Mommsen's seminal

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1 *ILS* 212; Cic., *Rep.* 2.2.4 - 2.37.63 (with several interruptions). Cf. also the section *de magistratuum nominibus et origine* of Pomponius' *Enchiridium* (*D.* 1.2.2.13-34).

work.[2] The explanation and interpretation of the public law seems largely to have been the task of antiquarian scholars and in the next chapter I shall examine how they approached one aspect of this.

1. The Literature of Rome's Public Law

It happens that there seems never to have been an over-abundance of antiquarian writing on Roman civil law, though the legal system as a whole seems to have been of particular interest to Aulus Gellius, and I shall briefly consider the links between antiquarian and juristic writing below. By contrast, public law seems to have been of less interest to the jurists and of correspondingly greater interest to antiquarian writers: to my knowledge, there has been no modern attempt to assess the nature and scope of ancient writing on the public law of Rome. It may, therefore, be useful at this point to consider briefly what ancient literature there was on Roman public law as a whole.

To a large extent the idea of a *Staatsrecht* of Rome was an invention of nineteenth century German scholarship.[3] For the ancient historians this was very much a side issue, which appears in their works rarely, and essentially only in digressions, explaining particularly the origins of certain institutions or similar matters which arose in their narrative. The fragments of the monographic writing of the jurists and those of the antiquarians provide tantalising glimpses of a lost writing on what would now be seen as Roman public law. But it cannot be certain that the ancients ever saw a need to write a systematic account of the public law of Rome. Certainly, as was made clear by Schulz, the jurists were most concerned with Rome's civil law, discussion of matters affecting the government of the empire apparently being reserved for monographs, of which we now have only a few traces. Varro's *Antiquitates* perhaps came closest to a history of Roman public law, yet it is apparent that that work contained somewhat more than merely an exposition of the institutions and procedures by which Rome was governed. It is, however, important to note that the majority

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2 T. Mommsen, *Römisches Staatsrecht*[3] (Leipzig, 1887-8), referred to as *StR* below.

3 There is a useful, brief introduction to writing on Roman public law from antiquity to the late nineteenth century by Schiller in H. Schiller & M. Voigt, *Die römischen Staats- Kriegs- und Privatalertümer*[2] Handbuch der klassischen Altertumswissenchaft, 4.2 (Munich, 1893), 3-7.

of the writers on Roman public law identified by Schulz are to be found among those whom I have characterised as antiquarian: he mentions C. Sempronius Tuditanus, M. Iunius Gracchanus, Varro, L. Cincius, Nicostratus, and Ateius Capito.[4]

Niebuhr is acknowledged to have established the modern concept of a Roman *Staatsrecht* in his *Römische Geschichte*, first published in 1811. Niebuhr, however, concentrated on the annalists, particularly Livy and Dionysius, and was moreover much concerned with identifying the passages of the older, lost historians in their works. One Joseph Rubino seems to have been the first to have stressed the value of the works of the Roman antiquarians and of Cicero as the essential supplement to the patchy coverage of this subject by the annalists and his criticism of Niebuhr was based on the latter's virtually exclusive use of Livy and Dionysius.[5] Mommsen followed Rubino's approach as regards source material, but within a synchronic framework in which each institution is discussed separately and without extensive reference to how these institutions developed as a whole in relation to historical circumstances.[6]

Mommsen's approach is interesting, for it seems to reflect that of the Roman antiquarians. We find nowhere any evidence for an ancient antiquarian describing the political and religious institutions of the Roman state, and the changes which they underwent, within a framework of the history of Rome.

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4 Schulz, *RLS*, 11, 22, 36, 46, 81, 138f.

5 B. G. Niebuhr, *Römische Geschichte* (Berlin, 1811). J. Rubino, *Untersuchungen über römische Verfassung bis zum Höhepunkt der Republik* (Kassel, 1839), x. Cf. Schiller, *op. cit.*, 4.

6 Note also J.N. Madvig, *Die Verfassung und Verwaltung des römischen Staates* (Leipzig, 1881-2). The work in Germany apparently stimulated Francophone scholars to the collecting of information on the political and religious institutions of Rome (Cf., e.g., J.B. Mispoulet, *Les institutions politiques des Romains ou Exposé historique des règles de la constitution et de l'administration romaines, depuis la fondation de Rome jusqu'au règne de Justinien* [Paris, 1882-3]; P. Willems, *Le droit public romain depuis la fondation de Rome jusqu'à Justinien ou les Antiquités romaines envisagés au point de vue politique*[6] [Louvain & Paris, 1888] and A. Bouché-Leclercq, *Manuel des institutions romaines* [Paris, 1886]), though Anglophone scholarship seems to have remained aloof from such activity and little has been written to replace the authority of Adam's *Roman Antiquities*, first published in 1791: A. Adam, *Roman Antiquities: or an Account of the Manners and Customs of the Romans ... designed chiefly to illustrate the Latin Classics by explaining words and phrases, from the rites and customs to which they refer* (12th edition revised by J.R. Major, London, 1835). Adam's subtitle could well be shared by much Roman antiquarian writing. A.H.J. Greenidge, *Roman Public Life* (London, 1901) differs little in essence from Adam. There are of course innumerable monographs and articles on the various constituents of the Roman 'constitution'.

The nearest we find to a blend of antiquarianism and historiography is Cicero's *De Re Publica*, which may stand to prove the rule: Cicero was not, for all his feeling for the past, an antiquarian (nor for that matter an historian) and the *De Re Publica*, though it contains both historical and antiquarian material, is a work of neither antiquarianism nor historiography. The limited and fragmentary evidence for antiquarian writing suggests that the antiquarians were concerned more with explaining the development of the institutions into the form in which these existed at the time when they were writing. Thus, as Gellius tells us, Varro dealt with each magistracy in turn in his *Antiquitates* and, as we have seen, there is little sign of an outline of Roman history in that work. That Gellius had to compile his own guide to the history of Greece and Rome, a *conspectus aetatum antiquissimarum*, suggests that he felt both that such was missing in his sources and that it was something needed for a fuller understanding of the material which they and he presented.[7]

Schulz, in his *Roman Legal Science*, distinguished throughout between *ius sacrum* and *ius publicum* (and also, of course, *ius privatum*). The first extract preserved in the *Digest* is from the first book of Ulpian's *Institutes* and here we are told that there are two branches of the study of the law, the *ius publicum* and the *ius privatum*: according to Ulpian, the latter deals with the concerns of the individual, the former with the condition of the Roman state (*quod ad statum rei Romanae spectat*), and his definition of public law is that "publicum ius in sacris, in sacerdotibus, in magistratibus constitit."[8] This is the only time that the *ius publicum* is mentioned in the first chapter (*de iustitia et iure*) of the *Digest*: significantly, since it seems very clearly to betray the curiously little interest shown by the Roman jurists in the *ius publicum*.

Throughout Schulz's *Roman Legal Science* it is implicit that, at least before the establishment of the Principate, those who discussed the sacral law were not 'proper' jurists, but rather priests or scholars such as Varro.[9] Schulz saw the Augustan reforms as providing an impetus to writing on sacral law and he rightly notes the works on religious matters by Antistius Labeo, Ateius Capito

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7 *NA* 13.13.4; 17.21.
8 *D.* 1.1.1.2.
9 Cf., e.g., Schulz, *RLS*, 40f.

and Masurius Sabinus. Given that we know very little of these works, we may wonder just how 'juristic' they were: they should in any case be seen in the context of the apparent increase in interest in religious matters in the late Republic and in the first years of the Principate, as attested, for example, by works such as Ovid's *Fasti*.[10] Moreover, as Schulz noted, the works of Labeo, Capito and Sabinus "were the last. Though the *ius sacrum* remained in force for another 300 years, and though such leading lawyers as Iavolenus Priscus, Salvius Julianus and Aburnius Valens were pontiffs and Pactumeius Clemens a member of the college of *Fetiales*," the jurists produced no more works on the *ius sacrum*.[11]

The picture is not entirely dissimilar regarding the *ius publicum* in the more limited sense allotted to it by Schulz, who characterised it as an area of law which had little or no literature attached to it and the practitioners of which were, again, mainly laymen.[12] The essentially amateur status of most antiquarian writers at Rome is worth stressing, for it distinguishes them from other groups of scholars such as the gramarians: comparisons between antiquarians and grammarians should be made with a degree of caution. Unlike the grammarians, no one seems to have gone round calling himself an antiquarian, and they did not (as far as we know) set up inscriptions to themselves as antiquarians. In the imperial period, especially from the latter half of the second century, Schulz distinguished between constitutional law and what he termed administrative law, suggesting that "the new constitutional law of the Principate belonged to the *arcana imperii* and was not to be exposed to scientific discussion and analysis". But given the paucity of known, let alone extant, works on constitutional law from the Republic, we may wonder whether this was a feature of the Principate alone. If so, one might see antiquarian writing as continuing the codification of such matters, supposedly begun at the end of the fourth century B.C. with the publication of the calendar by Cn. Flavius.[13]

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10 On this phenomenon cf. A. Momigliano, 'The Theological Efforts of the Roman Upper Classes in the First Century B.C.', *CPh* 79 (1984), 199-211; H.D. Jocelyn, 'Varro's *Antiquitates Rerum Divinarum* and Religious Affairs in the late Roman Republic', *BRL* 65.1 (1982), 148-205; J.A. North, 'Religion and Politics, from Republic to Principate', *JRS* 76 (1986), 251-258.

11 Schulz, *RLS*, 138.

12 Schulz, *RLS*, 11, 22, 36, 46, 81, 138f.

13 Pomponius, *D.* 1.2.2.36; cf. *NA* 7.9.

Schulz saw administrative law as the product of the emperors and the imperial bureaucracy and noted that it "has no literature comparable to that of private law. It is a remarkable fact that such men as Iavolenus Priscus, endowed with decades of administrative experience, seem never to have thought of publishing a connected account of the subject." This is indeed remarkable and, although Schulz was no doubt correct to see this as a result of the 'particular' nature of this administrative law and its basis in imperial ordinances, the most important reason for a lack of writing on it may well be that the jurists of all periods "ostentatiously held public law at arm's length." What reason could there be for such ostentatious avoidance of the subject? Perhaps the production or up-dating of naturally derivative *Digesta* and similar works on the civil law, together with their role as legal consultants left little time for what may have been seen as the less important subject of public law, the organs and officials of the state probably being held to be self-regulatory and, therefore, not requiring the involvement of the jurists. Or perhaps, quite simply, the public law was seen as an object of antiquarian, not juristic enquiry. But it is worth recalling that Aristo, a jurist of the first century A.D., could be described by the younger Pliny as *peritissimus privati iuris et publici*: as is often the case, Schulz's distinctions are too sharply drawn and it should perhaps be stressed that it is only for juristic *writing* on the public law that one might claim a lack of evidence; there would naturally be very little trace of the non-literary consideration of the subject, such as that for which Aristo might have been known. But, since there is nothing in the known bibliography of Aristo which would suggest any particular interest or competence in the public law, there remains the possibility that Pliny is over-generous in his praise: certainly he seems to have to tell Aristo rather more about the senate, particularly its history, than an expert on the public law might be expected to need to be told.[14] It is noticeable that the known juristic literature on public law from the imperial period is in the form of monographs *de officio* of the individual magistracies: we should compare Ulpian's definition of public law cited above, which in secular matters takes account only of the magistracies, although Pliny says, in a letter to Aristo, that public law also covers the senate.[15]

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14 Schulz, *RLS*, 138f.; Pliny, *Epp.* 8.14.1; cf. 1.22.2.

15 Above, n.8 (and cf. Schulz, *RLS*, 242-252); Pliny, *Epp.* 8.14.1. Aristo may also have been exceptional in also acting as an advocate (according to Pliny, *Epp.* 1.22.6).

Schulz implies that this concentration on the magistracies started only in the second half of the second century A.D. What little we have of the earlier literature on Roman public law also betrays an emphasis on the magistracies: indeed the works of Gracchanus and Tuditanus were *De Potestatibus* and *De Magistratibus*, and it is significant that what is one of, if not the largest fragment of antiquarian writing on the senate is concerned primarily with what a consul should know about the procedures of the senate.[16]

Mirsch's reconstruction of Varro's *Res Humanae* divided the final hexad *de rebus* into books *de re publica, de magistratuum imperio et potestate, de bello et pace, de iudiciis, de actionibus cum populo et senatu* and *de rebus in usum publicum inventis*.[17] As we have seen, these titles are Mirsch's own inventions, with the exception of the book *de bello et pace*, of which we do not, however, know the book number. Yet they do give a fair indication of the subjects probably covered by Varro; it should be noted, however, that there are no fragments from Book 24 (*de actionibus cum populo et senatu*, according to Mirsch). Book 21 was devoted to the magistracies: the position of this book (first in the hexad after what was probably an introductory book) is significant, for it points to a perception of the magistracies as being the most important element in the government of Rome. The senate takes second place and the assemblies seem to have evoked less interest among the Roman antiquarians.

This view of the importance of the magistracies may be detected in virtually all antiquarian writing on the political institutions of Rome, as well as being evident in Cicero's *De Legibus*, where Cicero's exposition of the laws for his ideal *respublica* begins with the magistrates of that state and indeed with the explicit statement that magistracies provide the foundation for the state:

> since I am providing laws for free peoples, and have presented in the earlier six books [that is, in the *De Re Publica*] what I think to be the ideal state, I shall now propose laws suitable for that sort of state. There must be magistrates, for without their care and attention a state cannot exist, and the whole character of a state is determined by the nature of its magistrates.[18]

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16 The extract from Varro's *Epistolicae Quaestiones* preserved by Gellius, *NA* 14.7.

17 P. Mirsch, 'De M. Terenti Varronis Antiquitatum Rerum Humanarum libris XXV', *Leipziger Studien* 5 (1882), 1-144.

18 Cic., *Legg.* 3.2.4f. Cf. 3.1.2: 'We can truly say that the magistrate is a speaking law, and the law a mute magistrate', a notion taken up by the jurist Marcianus in the first book of his *Institutes* (*D.* 1.1.8: 'the *ius honorarium* is itself the living voice of the civil law').

It is, however, also worth noting that Cicero's laws do seem to reflect a more important standing for the senate of his ideal state than was the case in the Roman state, at least *de iure* and as it seems to have been seen by the antiquarians.

It is, therefore, not surprising that the same emphasis on the magistracies recurs in works such as Mommsen's *Staatsrecht*.[19] Mommsen's account of the senate and also of the other state bodies may also be compared to that of the antiquarians, for in both there is the same presupposition of the importance of the magistrates. Mommsen has been criticised for his approach (rarely for his results) which preconceived this lesser role for the senate in Roman political life, but it is important to emphasise that his view seems to coincide fully with that of the antiquarian scholars of Rome:

> il donne du rôle du Sénat une image qui est tributaire, et en un certain sens victime, de la vigoureuse construction conceptuelle par laquelle il rend compte de l'ensemble du droit public. Le Sénat y apparaît comme dépourvu de la nature juridique propre, et isolé entre les deux pôles fondamentaux de la constitution, la magistrature, incarnation de l'*imperium*, et la souveraineté populaire. Vision qui l'entraine à surrestimer le rôle des magistrats par rapport à celui des sénateurs, et que les études postérieures ont tendu à corriger. Cependant, l'ampleur et la sûreté de l'erudition déployée par Mommsen ont fait que son ouvrage sur le Sénat est demeuré, à juste titre, la référence incontestée jusqu'à nos jours.[20]

Conversely, this approach was, to an extent, forced on Mommsen by the nature of our sources. There seems to have been remarkably little (in comparison to the material on the magistracies) in the antiquarian tradition on the nature and procedure of senatorial meetings: antiquarian interest seems to centre on the senators themselves, their duties and privileges. A glance at the references in the works of Mommsen, Talbert and Bonnefond-Coudry will reveal how much of our knowledge of the workings of the senate comes from the anecdotal evidence provided by Cicero, the younger Pliny and, to a lesser extent, Fronto in their

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19 As was noticed by, e.g., E. Meyer, *Römischer Staat und Staatsgedanke* (Zürich, 1948), 98: "Es war eminent römisch empfunden, wenn Mommsen seine Darstellung des römischen Staatsrechts mit der Schilderung des Beamtentums begann."

20 M. Bonnefond-Coudry, *Le Sénat de la république romaine de la guerre d'Hannibal à Auguste: pratiques délibératives et prise de décision* (Rome, 1989), 3. On the indispensability of Mommsen's *StR* cf. L.R. Taylor and R.T. Scott, 'Seating Space in the Roman Senate and the *Senatores Pedarii*', *TAPhA* 100 (1969), 529-582, p.530 and n.3. On the senate cf. R.J.A. Talbert, *The Senate of Imperial Rome* (Princeton, 1984).

letters and from accounts of meetings of the senate related by the historians, particularly Livy, Appian, Tacitus and Dio. It is interesting that Asconius too, when he says that his sons' age requires that he explain part of senatorial procedure, resorts to the same method for illustrating senatorial procedure as do modern scholars, that is to accounts of proceedings in the senate.[21]

2. ANTIQUARIAN WRITING ON THE SENATE: AN INTRODUCTION

What ancient works on the senate that there may ever have been seem not to have had a wide circulation: we may wonder to what extent detailed information about the workings of the senate would be either available to or needed by non-members, though it should also be noted that there is no indication that Gellius was a senator. That Asconius also turned to the *acta* for accounts of meetings in the senate to help explain part of the procedure of the house suggests that Asconius might not have known of any works which dealt with this particular piece of procedure (the request that a composite resolution be divided into its individual proposals, each of which could then be voted on separately), or at least that he considered that reference to the *acta* would provide a clearer explanation: it should be noted that elsewhere Asconius shows no great reluctance to cite other writers, including Varro.[22]

Were there no works on the senate and its procedures, and if so, why not? The correspondence between the younger Pliny and the jurist Aristo shows that there was a need in the first century A.D. for clear information concerning the workings of the senate, as earlier had Varro's composition of the Εἰσαγωγικός *ad Cn. Pompeium* (an introduction to the senate for Pompey).[23] It is notable also that the jurists of the public law also seem to have had little to say regarding the senate: no works on the senate or on senators are quoted in the Justinianic

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21 Asconius, *in Milonianam*, pp. 43f. C. On the imperfections of our sources on the senate cf. Bonnefond-Coudry, *op. cit.*, 8, 19.

22 Asconius, *loc. cit.* On Asconius' sources see B.A. Marshall, *A Historical Commentary on Asconius* (Columbia, 1985), 39-61.

23 Pliny, *Epp.* 8.14; *NA* 14.7.

Digest, not even in the chapter *de senatoribus*, though on the analogy of the existence of this chapter, one might suggest that the writers/compilers of earlier *Digesta* might have included sections, if not on the senate, at least on senators.[24]

The younger Pliny gives some indication of why, traditionally, there should have been a lack of writing on the senate and its procedures. He lays great emphasis on the 'pupillage' of would-be senators (a subject which recurs more than once in the antiquarian tradition):

> those entering on a political career used to stand by the doors of the *curia* and were observers of the *consilium publicum* before they joined it. Their fathers, or if they had no father, some older man of high standing would act as their instructor ... they were taught the whole *senatorium mos* by example, which is the best method of learning.

And this, Pliny suggests, provides the answer to the question which he foresees Aristo will ask, that is 'Why are you asking me what you should know?', for, when Pliny was a young man, he claims, the *curia* which he observed was one which was frightened and had lost its tongue: 'the servitude of earlier days [he means, of course, the reign of Domitian] led to the *ius senatorium* being cast aside and forgotten'.[25] We should remember in this connexion that when Pompey was created consul in 70 B.C. he had no experience of the senate: we might then see Varro as here fulfilling the role of the instructor mentioned by Pliny.

Pliny also regards the particular procedure, about which he is consulting Aristo, as not having been satisfactorily handled by those who have considered many such matters. It is interesting that this procedure is precisely that, for the explanation of which Asconius turned to the *acta senatus*; but we should also note Pliny's statement that there were some who had considered matters of senatorial procedure. Who were these? Did they write anything? Unfortunately there is no indication of any individuals or group of scholars whom Pliny intends.

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24 *D.* 1.9, under which there are twelve entries, is mainly concerned with the status of senators.

25 *Epp.* 8.14.2, 5f., 8, 11. Cf. Suet., *Aug.* 38.2 for Augustus' re-admission to the *curia* of the children of senators, "quo celerius rei publicae assuescerent".

It might also be that works on the senate written during the Republic were no longer of much use in the Principate, following the introduction in 9 B.C. of the Augustan *lex Julia de senatu habendo*, which seems to have been the first attempt, at least by legislative means, to regularise the conduct of meetings of the senate. But, as Talbert notes,

> the apparent lack of change in the workings of senatorial procedure between the late Republic and the first century A.D. could suggest that the law for the most part served to codify existing practice rather than to introduce sweeping changes.[26]

Hence, I might add, Gellius could quite properly reproduce in the second century A.D. material originally written by Varro in 70 B.C. Moreover, it seems that there may well have been works written in response to this law, just as, for instance, we know of later works by the jurists *ad legem Juliam et Papiam et Poppaeam*, *ad legem Juliam de adulteriis, ad legem Aeliam Sentiam* among others.[27] Talbert notes that the work of one (otherwise unknown) Nicostratus, cited once in Festus, seems to have drawn its title, *de senatu habendo*, from the *lex Julia* and mentions also the book *de officio senatorio* of Ateius Capito's *Coniectanea* concluding that "there is no telling whether this work was more a handbook of contemporary practice than an antiquarian treatise."[28] To an extent, however, this distinction is a false one for, as we have seen, antiquarian treatises, while explaining the origins of whatever matters are under discussion, often seem to do so as part of the exposition and explanation of contemporary practices. Also, Gellius refers to Varro's Εἰσαγωγικός as *de officio senatus habendi*: this might simply be an apt description of the work; it may well also have been part of the title which Varro gave to this work, or the later letter (or

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26 Unfortunately, although in agreement, the accounts of this *lex Julia* provided by Dio (55.3) and Suetonius (*Aug.* 35) only give a précis of what they see as its more important regulations. Gellius and Pliny probably refer to this law (*NA* 4.10.1; *Epp.* 5.13.5 and 8.14.19f.), as may also Seneca (*Brev. Vit.* 20.4). Talbert, *op. cit.*, 222.

27 Krüger's 'Index librorum ex quibus Digesta compilata sunt' (the second *additamentum* in the edition of the *Digesta* by T. Mommsen and P. Krüger in the first volume of the *Corpus Iuris Civilis* [12th edition, Berlin, 1911]) is useful here, for it lists not only separate works on the different laws, but also parts of larger works which dealt with the same subject. Cf. also, for a brief, conservative account, Schulz, *RLS*, 187-189.

28 Talbert, *op. cit.* (n.20), 223; Fest., 347 *senacula*; *NA* 2.24.2; 4.10.7f.; 14.7.12; 14.8.2. On the identification of Book 4 of the *Coniectanea* as that *de officio senatorio* cf. W. Strzelecki, 'Über die Coniectanea des Ateius Capito', *Hermes* 86 (1958), 246-50. These hardly represent a 'flowering of treatises on the procedure of meetings' as Bonnefond-Coudry would have us believe (*op. cit.* [n.20], 18).

even book) of the *Epistolicae Quaestiones* which reproduced material from it; but it might be a reminiscence by Gellius or by Capito (from whom Gellius seems to have the material for this article) of the *lex Julia*.[29] It is, however, indeed significant, as Talbert notes, that in the imperial period "instead of turning to these works (such as they were), members who sought to make a claim about procedure, or to raise a query in connection with it, seem to have cited the *lex Julia* itself."[30]

There seems, then, by no means to have been a wealth of antiquarian writing on the senate. Again, however, we face the problem of how fully what we have and of what we know represents the antiquarian tradition as it may once have existed. The article in the *Noctes Atticae*, in which Gellius presents the extract from Varro's Εἰσαγωγικός or *Epistolicae Quaestiones*, affords a glimpse of what antiquarian writing on the senate may once have encompassed. Gellius briefly summarises what Varro had written, clearly following Varro's order of men, places, times and things, here represented respectively by the magistrates who could convene and consult the senate, together with their rights of intercession, the places where and times at which a *senatusconsultum* could legally be passed and details about the form of *relationes*, methods of voting, the asking of opinions, *pignoriscapio* and the fining of senators for non-attendance. Gellius also notes that 'other matters of that kind' were also discussed by Varro. This must, then, have been a full treatment of the senate and its procedures, though it is significant that the two aspects on which Gellius' attention is focussed are the role of the magistracies and the procedures of the making of *senatusconsulta*, the latter a subject which Gellius clearly finds a little confusing and which he also discusses elsewhere. The focus on the magistracies is emphasised by the subject matter of the next article in the *Noctes Atticae*, which effectively forms an appendix to this one, and which deals with the question of whether the *praefectus urbi Latinarum causa* was empowered to convene a meeting of the senate.[31]

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29 *NA* 14.7 (L).
30 Talbert, *op. cit.*, 223.
31 *NA* 14.7.4-11; 3.18; 14.8 (taken, at least in part, from the same book of the *Epistolicae Quaestiones* and, one assumes, probably from the same letter).

It must, however, also be asked how far this might be typical of the antiquarian tradition. Certainly, this can validly be questioned in the case of the Εἰσαγωγικός written for Pompey, if this were simply a practical handbook to senatorial procedure, explaining merely 'what Pompey should do and say when he consulted the senate.'[32] It might be assumed that long digressions on, for instance, the historical foundation of all the procedures of the senate, or even just of particular procedures, (which might be expected from an antiquarian) would be out of place in such a practical handbook; and indeed it is noticeable that such do not appear in what Gellius preserves, although, as we have seen, Varro's antiquarian scholarship appears in his inclusion of magistracies such as the *tribuni militares consulari potestate* and the *decemviri*, which were probably no longer relevant to the first century B.C. The presence of these latter officials may well be due to the fact that Gellius has his information not from the Εἰσαγωγικός, but (probably via Ateius Capito) from Varro's *Epistolicae Quaestiones*, which may have been a more scholarly work than we would expect a practical handbook to have been. It is reasonable to presume that here Varro, and perhaps Capito also, would have explained at greater length the origins of the regulations and customs which Gellius merely mentions as having been discussed. It is unfortunate that we do not know more of Capito's *de officio senatorio* (of which Gellius preserves all the surviving fragments) and that we cannot, therefore, discern further what were the nature and scope of that work and just what its influence on Gellius might have been.

Besides two other articles in the *Noctes Atticae* and several explanations of terminology relative to the senate preserved from Verrius Flaccus by Festus and Paulus, the senate is generally mentioned only in passing by those antiquarians whose works survive and, interestingly, hardly ever by Varro. It is difficult to conceive that Varro did not discuss the senate elsewhere: as we have seen the *Antiquitates* seem to have covered virtually every possible aspect of the past, except for that of narrative history. Mirsch indeed suggested that Book 24 of the *Res Humanae* was *de actionibus cum populo et senatu*, though it should be noted that even this would suggest an emphasis on the role of the magistracies in their dealings with the senate (and with the people in the assemblies) than a

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32 *NA* 14.7.2.

discussion of the senate *per se*. Unfortunately, however, there are no fragments from Book 24 of the *Res Humanae* to confirm or deny Mirsch's assumption. Similarly we cannot tell whether Varro would have made a distinction between the rights of magistrates in general and magisterial rights in the senate, or whether there would have been the same duplication of material which we find in, for example, Mommsen's *Staatsrecht*.

Moreover, this was (and is) a complex subject: we need only compare how much of modern works on Roman public law is taken up by the senate, and the works of Talbert and Bonnefond-Coudry are indeed hefty tomes.[33] We would then have expected rather more on the senate than that which we have. This paucity of information no doubt reflects the concept of popular sovereignty through the assemblies and the people's elected representatives, the magistrates. Given that the antiquarians discussed, apparently at length, the workings of the priestly colleges (they seem to have been particularly interested in augury and the *flamen Dialis*), which one would have assumed the members of those colleges might not have wanted to become public information, we may reject the notion of a general view that information on the workings of the senate could, or even should, be restricted to the members of that body. Perhaps, then, this seemingly low degree of interest in the senate may be seen as representing a degree of idealism on the part of the antiquarians, the senate being regarded merely as the *consilium publicum*.[34]

The antiquarians show some interest in the appointment of senators and the maintenance of their honourable standing. This may not be entirely unrelated to their idealised view of the senate, though it is unclear whether the direct appointment of its members by the top officials or the principle of their popular election (as a result of restricting membership to ex-magistrates) was preferred. Suetonius' notes on the appointment and removal of members of the senate are symptomatic of this interest, but any judgement he may have had on methods of appointing senators is largely concealed by his view of the individual emperors: the only concern which we may clearly detect is one for the honourable standing

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33 For example, the second part of the third volume of *StR* is devoted to the senate, that is over 400 pages (*StR* 3.835-1271).

34 So Festus, 246 *praeteriti senatores*. Cf. 339 *senatores* and Cic., *Rep.* 2.8.14 where the senate appears as the *regium consilium*.

of the senate; any implicit complaints are directed at the groups from which the new senators were drawn rather than their method of appointment.[35] It remains significant that the only work with antiquarian connections in which the role of the senate is emphasised is Cicero's *De Legibus*: it should be remembered that Cicero's laws are intended for the ideal state which he had presented in the *De Re Publica* and, although this ideal state (and hence its laws) are based on Rome, these laws do not always correlate to those of Rome.

How far such information was generally known is not clear, though Cicero seems well informed about public law: not only in the works on the Roman state such as the *De Re Publica* and the *De Legibus*, but the forensic speeches also contain much information on the institutions of the Roman Republic, when he is seeking to justify the defendant's actions or to show the impropriety of them if he was prosecuting; and we should also bear in mind here the existence of the antiquarian digressions in ancient historiography.[36] Perhaps Cicero had much of this from Varro and perhaps also from Atticus, or from the works of Junius Gracchanus, which he praises.[37] One interesting point is made by Laelius to Scipio at the end of the first book of Cicero's *De Re Publica*: he comments that Scipio is well qualified to speak *de maiorum institutis*, since he is descended from famous ancestors. Is there here a reference to the role of family lore (one thinks of the orations and parade of portrait busts at funerals) in the preservation and dissemination of the history of Rome's institutions? On the other hand, at the start of the second book, Scipio is made to acknowledge the elder Cato as the principal source of his account of the development of the Roman constitution.[38] Similarly it is not clear how often the antiquarians, and also Cicero, are correct in their interpretations and statements concerning Roman public life: for our immediate purposes this is of lesser importance, though it is worth noting that the information which they do provide, etymologies excluded, is often accepted with little or no argument by modern scholars.

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35 Suet., *Jul.* 41.1; *Aug.* 35; *Nero* 15.2; *Vesp.* 9.2.

36 Cf. Rawson, 'Cicero', 35: "He never, in fact, again gets so deeply entangled in the study of antiquity as in the *De Re Publica*, but for the rest of his life he finds it a fascinating sideline."

37 Cic., *Legg.* 3.20.48; *De Or.* 1.60.256; cf. also *Planc.* 24.58.

38 Cic., *Rep.* 1.47.71; 2.1.1. Polybius is mentioned as a source at *Rep.* 2.14.27 and note also the reference to *annales publici* (2.15.28), and "eos, qui diligentissime persecuti sunt temporum annales" (2.15.29).

3. ANTIQUARIAN WRITING AND JURISTIC WRITING

The extent to which the works of the classical jurists are representative of the scholarly literature of the period seems to have been one of those areas passed over by modern scholarship: "such an interest is rare to the point of eccentricity".[39] There was, of course, a considerable overlap between the interests of the antiquarian scholars in how the life of the Roman people was governed and the jurists' interests in the legal system itself. This is particularly evident in the *Noctes Atticae* of Aulus Gellius, for he shows himself equally at ease with antiquarian and juristic sources. It would exceed the bounds of the present work to attempt to classify the legal interests of the Roman antiquarian scholars and to compare them with those of the jurists. Yet it may be helpful if, taking Gellius as our guide, I consider briefly some antiquarian and juristic interests.

It would be unfair to Gellius to attempt to equate him with the jurists. The *Noctes Atticae* were written at Gellius' leisure for that of his readers and were not intended as a legal textbook.[40] He justifies the inclusion in the *Noctes Atticae* of notes on juristic and legal matters by pointing out the general ignorance of even the basics of the law and its terminology: "it is wrong for men at the centre of public life to be unaware of common legal expressions".[41]

What may be seen as marking out Gellius' interest in the law as an antiquarian interest is the link provided between his numerous notes on legal matters by the subject of the *mos maiorum*. The relevant law is sometimes the starting point for a discussion of some facet of ancient life, sometimes provides an illustration of such, and is sometimes the connection which allows Gellius the opportunity to

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39 F.G.B. Millar, 'A New Approach to the Roman Jurists', *JRS* 76 (1986), 272.

40 The literature on Gellius and the law is sparse in the extreme: H. E. Dirksen, 'Die Auszüge aus den Schriften der römischen Rechtsgelehrten, in den Noctes Atticae des A. Gellius', *Abhandlungen der königlichen Akademie der Wissenschaften zu Berlin aus dem Jahre 1851* (Berlin, 1852), 31-77 (=*Hinterlassene Schriften* I [Leipzig, 1871], 21-63); M. Hertz, *Auli Gellii quae ad ius pertinent capita* (Breslau, 1868); J. DeGloeden, *Auli Gellii quae ad ius pertinent* (Rostock, 1843); D. T. Oliver, 'Roman Law in Aulus Gellius', *Cambridge Law Journal* 5 (1933), 46-60.

41 *NA* 20.10.6. Cf. also 10.20.1. Cicero more than once made a similar point: cf. *Mur.* 27 and *Legg.* 3.20.48. *D.* 22.6.9 pr and §2 suggest that Labeo had also given some consideration to the question.

discuss some institution or custom and its origin. It is not always possible to distinguish whether a particular article in the *Noctes Atticae* dealing with some aspect of the law, was inspired by its illumination of the *mos maiorum* or by an interest in the particular law, area of law or legal procedures presented.

There is, then, a large number of articles in the *Noctes Atticae* which include notes on law. Some professedly centre on legal questions, while in others the connection is less explicit; but it is a third category which betrays a general grounding in the law and its procedures, for there are also a considerable number of articles into which law appears to intrude unnecessarily and/or with little connection, and particularly the sources of law, that is *senatusconsulta*, magisterial edicts and so on. With this, we of course return to the magistracies.

Gellius' articles dealing with marriage, divorce and dowries may well have been inspired by their inherent connections with the *mos maiorum*, and these are indeed subjects which recur in antiquarian writing.[42] Yet they also occupied the minds of the jurists.[43] This in itself is interesting for it suggests antiquarian interests on the part of the jurists, since betrothal, marriage and divorce were not in general matters for the law, but merely of consent between the parties involved: no specific ceremonies were legally required (except in the case of patricians) and there was no involvement of any representatives of the state, although on occasion proofs of marriage and divorce may have been required, particularly in the case of the latter in connection with the *lex Julia de adulteriis*.[44] It is worth noting that once again the hand of Augustus is evident in an interest of the antiquarians.

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42 E.g. Varro, *De Vita Populi Romani* frgg. 25f. Rip.; *RR* 2.4.9; Cic., *Rep.* 2.37.63; 3.10.17; *QR* 1, 2, 29, 30, 31, 65, 86, 87, 105, 108; *NA* 1.6; 4.3; 4.4; 10.23; Fest., 170 *nuptam, nupta verba, nuptias*; 173 *nuces*; 242 *pronubae, pudicitiae*; 245 *patrimi et matrimi, prima, praetextatum*; 286 *regillis*; 289 *rapi*; Paul., *Fest.* 62 *conciliatrix, conventae, coelibari hasta*; 63 *cingulo, camelis, Cinxiae Iunonis, Cumeram*; 74 *diffareatio*; 87 *facem*; 172 *nuces*.

43 *Digest*, Book 23 deals with betrothal, marriage and dowries in general terms, but with the emphasis clearly (three of five chapters) on dowries. Book 24 covers gifts between the marriage partners, divorce and how to reclaim the dowry on dissolution of the marriage. Book 25 deals with more detailed questions, including the expenses incurred by the husband in relation to the dowry, the *actio* against a wife who "removed" things in view of an imminent divorce, the recognition of children, and concubinage. Books 26 and 27 deal with tutelage.

44 On Roman family law cf. J. F. Gardner, *Women in Roman Law and Society* (London, 1986) (pp. 85f. on the *lex Julia*); B. M. Rawson (ed.), *The Family in Ancient Rome: New Perspectives* (Ithaca, 1986); and P. Veyne in P. Ariès & G. Duby (eds.), *Histoire de la vie privée. Tome I. De l'Empire romain à l'an mil* (Paris, 1985), 45-59.

The law was more concerned with regulating the behaviour of man and wife towards each other and in society at large, generally with the aim of establishing the precise status of the property, which in marriage tended inevitably to be transferred from one *familia* to another: hence, of course, in this area, the predominant interest of the jurists in matters concerning dowries.[45] In this connexion it is most notable that Gaius does not seem to have dealt with dowries in his *Institutes*, and his lack of interest is apparently confirmed in the *Digest*, where only five of over two hundred extracts on matters relating to dowries come from works of Gaius. Gaius does play a (slightly) larger role in the other *Digest* chapters on marriage in general, and in his *Institutes* does devote some space to the subject.[46]

From Gellius we hear of a work devoted to dowries (*De Dotibus*) by the jurist Servius Sulpicius Rufus. This work forms the basis of Gellius' article on ancient betrothals: *de iure atque more veterum sponsaliorum*.[47] It should be noted that it is not *de iure atque more sponsaliorum*: the article deals explicitly with procedures long obsolete. Yet this article is unlike most, if not all, antiquarian writing in that it has little connection with Rome: there is no mention, or even inference, of Roman law and customs relating to betrothals: the article deals with "sponsalia in ea parte Italiae quae Latium appellatur". Throughout this article we can see clearly the connection of *mos* and *ius*, a connection which is strengthened by the jurists Servius Sulpicius and Neratius Priscus having written monographs, according to Gellius, respectively on dowries and on marriages. It is, however, impossible for us to ascertain much of the character of these works: it is unclear how juristic they were; on the evidence of this article they seem to represent a more antiquarian side of the jurists' activities, though the interest in matters which did not affect Rome would be remarkable in an

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45 Thus, for instance, Augustan legislation created the criminal offence of adultery: before this it was subject only to social restrictions, in the same way that bigamy was frowned on socially, but was not an offence in law (cf. Gaius, *Inst.* 1.63, from which it seems that the law simply did not recognise *iustae nuptiae* with more than one partner). The *Digest* titles *de sponsalibus* and *de ritu nuptiarum* concern themselves with defining those with and without capacity to marry. Of the fifteen chapters in books 23-25 of the *Digest*, five deal solely with the dowry, and another two with property in a marriage.

46 Dowries are mentioned incidentally at *Inst.* 1.178, 180; 2.63; 3.125; 4.44, 62, 151 and perhaps at 4.102: and *D.* 23.3.42, 54; 23.4.15; 23.5.4; 24.3.27. Marriage: Gaius, *Inst.* 1.56ff.

47 *NA* 4.4.

antiquarian work. It is unfortunate that little remains of the monographic literature of the jurists: from the examples given here by Gellius they would appear to have been wide-ranging in subject matter, exceeding what are often seen as the bounds of jurists' interests, including, as they clearly did, information of as much an antiquarian as a legal interest.[48]

Gellius has remarkably little to say about marriage. At one point, a speech *de ducendis uxoribus*, delivered (Gellius says) by Metellus Numidicus as censor, is discussed by Gellius' teacher, the rhetorician Titus Castricius.[49] But the discussion is concerned with why, when he should have been promoting marriage, Metellus spoke instead about the irritation and constant inconveniences of marriage: there is no discussion of marriage *per se*, save perhaps for a few suggestions as to how Metellus might have avoided criticising marriage; the essential point of the article is stated by Castricius, that Metellus' approach reflects that which should properly be expected of a censor. Similarly an article on censorial *severitas* mentions only incidentally (in connexion with the punishment of a misjudged attempt at humour) that, as part of the census, the question was asked "Ut tu ex animi tui sententia uxorem habes?"[50] Equally incidental would seem to be the mention in an article considering the question whether fathers should always be obeyed, that if a father orders his son to marry a wife, then the son should obey: note that Gellius approaches the question solely from a philosophical viewpoint and does not extend his discussion to include mention of the Roman institution of *potestas*, which was the basis of Gaius' account.[51] It may be argued that here Gellius' sources are Greek

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48 Schulz, *RLS*, 257 is somewhat astray on this: "the important fact stands out that *classical jurisprudence produced hardly any monographs* [his stress] ... one may see in the lack of such a literature one reason why the stream of classical literature eventually ran dry ... only by monographic literature could new paths have been opened and explored." Yet five pages earlier he refers to "a considerable number of works" of this type, and indeed lists a considerable number of monographs by an equally considerable number of jurists (pp. 253-257); though we should note his caution that many *libri singulares* ascribed to the jurists may be "merely classical or post-classical separate editions or post-classical abridgements of larger works".

49 *NA* 1.6. Livy (*Epit.* 59) attributes a speech, cited by Suetonius (*Aug.* 89) as *de prole augenda*, to Q. Metellus Macedonicus, the censor of 131 B.C. This may or may not be the speech Gellius intends.

50 *NA* 4.20.3-6. The anecdote is also related by Cicero, *De Or.* 2.260.

51 *NA* 2.7.18; Gaius, *Inst.* 1.55. Cf. Gardner, *op. cit.* (n.44), 10. The theme is, of course, common in comedy.

philosophers, who may not have considered this aspect, but Gellius does refer to works *de officiis* by *Graeci nostrique*, and his examples show clearly that if the ideas are in origin Greek, they are here applied to Roman questions.

It is perhaps symptomatic of a lack of interest in the institution of marriage that Gellius not only seems not to recognise the role of *patria potestas* in this area, but also seems unaware of the institutions of *manus* and *tutela*: the absence of these concepts, although perhaps not surprising given the vast range of material which Gellius does present, is particularly noticeable given that he does discuss, to a certain extent, betrothal and divorce. Tutelage is mentioned only in connexion with adoptions: it was not within the tutor's powers to have his ward adopted; and the one suggestion of *manus* comes in an article on the division of the day, and is mentioned only for the information it provides on that subject.[52] Here Gellius notes the procedure by which a wife could avoid coming into the *manus* of her husband after a year's marriage as a result of *usus*, by spending a *trinoctium* away from him each year: there is, however, no mention of *manus* (or even *potestas*), nor of why it might want to be avoided.[53] It might be suggested that what Gellius does not mention, he might have presumed his readers to know and understand, just as the jurists themselves often assume basic rules and focus on the presumably more interesting debates surrounding marginal issues: but, and it would seem an important objection, the creation of *manus* by *usus* was a procedure, which had become obsolete by Gellius' time, as is made explicit by Gaius.[54] On the other hand, *confarreatio* and *diffareatio* did still exist under the Empire and one might have expected at least the latter, as one form of divorce, to have been of interest to Gellius.[55] Clearly, whether Gellius found the subject interesting or not, he did not consider including it in the *Noctes Atticae*. However, in discussing the *captio*, or selection, of Vestal Virgins, Gellius does consider it worth mentioning that a Vestal leaves the *potestas* of her *paterfamilias, sine emancipatione* and *sine capitis minutione*, as well as acquiring the *ius testamenti faciundi* and losing rights to intestate succession to and by agnates.[56]

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52 *NA* 5.19.10; *NA* 3.2.12f. On *manus* and *tutela* cf. Gaius, *Inst.* 1.108-115b.

53 The avoidance of *manus* is well-attested, perhaps from as early as the time of the Twelve Tables: cf. Gardner, *op. cit.* (n.44), 11-14.

54 Gaius, *Inst.* 1.111.

55 *Confarreatio*: Gaius, *Inst.* 1.112; *diffareatio*: Paul., *Fest.*, 74 *s.v.*.

56 *NA* 1.12.9. Cf. Gardner, *op. cit.* (n.44), 23.

If we can see any particular interest of Gellius in this area, then that interest is in divorce, for Gellius devotes an article to the origin of (or rather simply the first) divorce at Rome: at once we can see the antiquarian's interest in the origins of whatever is under discussion, and indeed, at first glance, the law would seem to have little part to play here. But it should be noted that Gellius talks not of divorce, the institution, but of *actiones* and *cautiones rei uxoriae*, and he does seem to see that the importance of this divorce lay not in its being the first divorce at Rome (which is all that seems to concern Dionysius of Halicarnassus), but that it led to the introduction of these procedures for reclaiming a wife's dowry: "tum primum cautiones rei uxoriae necessarias esse visas".[57] Sociologists can see here the process by which law supplemented and supplanted purely social constraints, the importance and efficacy of which were declining, but Gellius would seem to have been more interested in the transfers of property which took place when the dowry was initially handed over and, upon divorce, reclaimed by the wife or her *familia*. This interest also seems paramount in an article discussing the meaning of *servus recepticius*: Gellius realised or knew, apparently unlike Verrius Flaccus whose explanation he also gives, that it was connected with the wife's dowry: "when the woman gave the dowry to her husband she was said to 'retain' [*recipere*] those of her possessions which she kept and did not hand over to her husband". Thus it becomes clear (whether or not his explanation is correct does not matter) that Gellius saw the phrase and the law as concerned with the wife's dowry, her rights to personal property and perhaps also with the fate of these upon dissolution of the marriage.[58]

One of the longest articles in the *Noctes Atticae* takes the form of a debate between the sophist Favorinus and the jurist Caecilius: the kernel of their discussion is the penalties laid down in the Twelve Tables for transgressing those laws, and, as it appears to Favorinus, either their excessive harshness or their excessive leniency. Thus are noted beside the penalties for theft, the death-penalty for perjury and for a judge who accepts a bribe and the various penalties

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57 *NA* 4.3. The case is also mentioned at *NA* 17.21.44. Cf. A. Watson, 'The Divorce of Carvilius Ruga', *Tijdschrift voor Rechtsgeschiedenis* 33 (1965), 38-50. Dion. Hal., *Antiquitates Romanae* 2.25.7.

58 *NA* 17.6. Cf. H. Kornhardt, '*Recipere* und *servus recepticius*', *Zeitschrift der Savigny-Stiftung (römische Abteilung)* 58 (1938), 162-4 and Gardner, *op. cit.* (n.44), 71-77.

for *iniuria* and debt.[59] Gellius returns to the subject of punishments on a number of occasions. While discussing theft, he compares the punishments laid down by the laws of Draco and of Solon with those of the Twelve Tables and his notes on Egyptian and Spartan attitudes to theft are based on the fact that in those societies theft went unpunished. The definitions of theft of Junius Brutus and Q. Mucius Scaevola are introduced by the words "Labeo ... acria et severa iudicia de furtis habita esse apud veteres scripsit" and a whole (admittedly short) article is devoted to the ancient punishment for soldiers of blood-letting and his suggested explanation for the practice.[60] An article *de mulierum veterum victu* contains an extract from a speech of Cato on a husband's right of summary punishment of his wife; elsewhere Gellius includes an anecdote about the fining for her arrogance of the daughter of Appius Claudius Caecus to illustrate that "non in facta modo, sed in voces etiam petulantiores publice vindicatum est".[61]

Apart from the scattered references to various punishments, one article in particular suggests Gellius' interest in the subject and marks out that interest as distinct from any that the jurists might have possessed. Starting from a note on the origin of the name 'Italia', Gellius discusses the ancient fines, the *multae suprema* and *minima* and their origins, as well as the origin of the word *multa* itself and its usage. It is worth noting in passing that here again Gellius relates his text to the current procedure of his own day: "nunc quoque a magistratibus populi Romani more maiorum multa dicitur vel minima vel suprema"; and his quotation of the words by which the *multa minima* was pronounced, together with the note that any variance from those words rendered the sentence void, would seem to reflect the interests of someone who had been closely involved with the courts. Yet the subject of fines recurs repeatedly in surviving antiquarian writing, and antiquarian scholars seem to have seen the subject as one which they should include.[62]

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59 *NA* 20.1.7ff, 14ff, 31ff.

60 *NA* 11.18.6, 16-17; 6.15.1; 10.8.

61 *NA* 10.23.4. In §5 Gellius/Cato adds that a wife caught in the act of adultery could be executed without trial, and notes further that the wife had no such rights of punishment over the husband. Gellius does not mention that these rights were abolished by the *lex Julia de adulteriis*. *NA* 10.6.1.

62 *NA* 11.1; cf. also 6.15.1; 10.6; 10.8; 10.23.4f.; 11.18; 20.1.4, 7ff., 14ff., 31ff. Also on fines: Cic., *Rep.* 2.9.16; 2.35.60; 4.10.12; Varro, *RR* 2.1.9; *LL* 5.95; 5.177; Fest., 142 *multam*; 202 *ovibus*; 242 *poenas pondere*; 344 *sacramentum aes*; 371 *viginti quinque*; Paul., *Fest.* 24 *aestimata poena*; 144 *maximam multam*; Nonius, p. 216 *s.v. oves* (citing Varro)

An article on the expulsion from Rome of philosophers and rhetoricians quotes the *senatusconsultum* of 161 B.C. and the censorial edict of 92 B.C. But there is more (or rather less) to this latter article than would appear at first glance, for the discussion does not go beyond the decrees themselves. One can perhaps presume that the article is meant to show the treatment at Rome of philosophers and rhetoricians in the 'olden days', but the subject is handled solely by reference to the decrees which expelled them (besides a passing reference to Epictetus having been one of those expelled by Domitian).[63] The article reads almost like an outline sketch for some of the longer articles in the *Noctes Atticae*, yet it is probably best seen as simply an attempt to present the history of such decrees.

In this, it is comparable to one of the better-known articles in the *Noctes Atticae*, that which presents the history of sumptuary legislation at Rome.[64] Here Gellius presents a list of sumptuary laws, together with an outline of their main provisions, from a *senatusconsultum* of 161 B.C. to an edict of the early principate (Gellius admits that he cannot remember whether it was an edict of Augustus or of Tiberius). We may compare also Gellius' article on theft, which gives a brief account of Rome's early legislation *de furtis*, in part related to the practice of Gellius' own times.[65] Gellius' interest in legal history also emerges in a number of other articles also: thus the note on Carvilius Ruga records the first divorce, the article on assemblies includes a note on the origins of Roman testamentary legislation, the article on ancient fines takes account of early legislation, and the explanation of the phrase *ex iure manum consertum* leads Gellius to trace the development of a particular legal procedure.[66] In this last instance, unlike Gaius, Gellius notes the historical circumstances which led to the development of the procedure: "After the boundaries of Italy had been extended the praetors were fully occupied with legal business and it became difficult to travel to distant places to give judgement", and so, he explains, the original *correptio manus* of the Twelve Tables was modified into a procedure to

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63 *NA* 15.11.
64 *NA* 2.24.
65 *NA* 11.18.
66 *NA* 4.3; 15.27.3; 11.1; 20.10.

be performed *ex iure*. Gaius, on the other hand, merely notes that the latter was used 'if the property in question was of such a nature that it would be inconvenient to bring it into the court'.[67]

It is perhaps the legal-historical interests of Gellius that distinguish him from the jurists, who Schulz insists had no interest in legal history, and indeed in the extant legal literature it is only Pomponius and Gaius (both roughly contemporary with Gellius) who show any marked interest in legal history, and the former markedly more than the latter.[68] For example, the recorded interest of the jurists in the Twelve Tables appears slight: we know of only eight possible commentaries on the decemviral legislation, all but two (those of Antistius Labeo and Gaius) being of Republican date and written by men who were not really jurists: besides Gaius (who includes even in his *Institutiones* a considerable number of references to provisions of the Twelve Tables which are no longer valid) the jurists' interest in the Twelve Tables is restricted to those provisions which still had some relevance for the times in which they were writing.[69] Furthermore, Gaius we know was not of the mainstream of jurisprudence and, for Pomponius, Labeo was memorable mainly for three things: his refusal of the consulship, his exceptional application to writing works on the law and his part in the establishment of one of the two main law schools of the principate.[70]

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67 *NA* 20.10.9; Gaius, *Inst.* 4.17.

68 Schulz, *RLS*, 70, 134f, 186f and 290. Schulz again goes too far: compare not only Pomponius, but also jurists of the later third century such as Arcadius Charisius and his *de officio praefecti praetorio* (*D.* 1.11) or indeed Paulus' works on various *officia* (*D.*1.15). The surviving fragments suggest that they were at least partly antiquarian/ historical in character.

69 The *Digest* contains 20 fragments of the original six books of Gaius' work. The *Commentarii ad XII Tabulas* of M. Antistius Labeo are known only through the three passages preserved by Gellius (*NA* 1.12.18; 6.15.1; 20.1.13). Cicero, *Legg.* 2.23.59 mentions the works on the Twelve Tables of Sex. Aelius Paetus Catus (which from what Pomponius has to say (*D.* 1.2.2.38) seems to have been an edition of the text with a commentary), L. Acilius (otherwise unknown, unless he is to be identified with the P. Atilius mentioned by Pomponius, *ibid.*) and of L. Aelius Stilo Praeconinus. Festus also mentions Valerius Messalla's works in *explanatione XII* or *in explicatione XII* (pp. 210 and 322): cf. Gaius, *D.* 50.16.237.

70 On Gaius' teaching activity, see G. Diósdi, 'Gaius, der Rechtsgelehrte', *ANRW* 2.15 (1976), 605-631, esp 609f. On Labeo: *D.* 1.2.2.47 and cf. Schulz, *RLS*, 121 for the educational side of these schools.

Yet despite their frequent irrelevance to imperial Rome, the Twelve Tables were by no means ignored by other jurists, notably Ulpian and Paul, and their absence from the works of some jurists may be due only to chance of survival. Certainly the Twelve Tables had always been very highly regarded: consider the remarks of Livy and Cicero, and in the *Noctes Atticae* Favorinus asserts that he has read the Twelve Tables no less eagerly than Plato's twelve books *de legibus*; but these are not, of course, the views of jurists.[71] From the *Noctes Atticae* it would appear that it would not be unusual in the second century for a jurist to be expected to be able to provide answers to questions arising out of the ancient laws, though Casavola goes much too far in assuming such an involvement on the part of the jurists with the past in general and the historical circumstances of the Twelve Tables in particular, that they aroused the interests of the antiquarians in the subject.[72]

Similarly the jurist Sextus Caecilius, responding to Favorinus in the *Noctes Atticae*, is well aware that many of the provisions of the Twelve Tables are no longer valid: "nam longa aetas verba atque mores oblitteravit" and admits that a number of factors lead to laws 'changing in accordance with the conditions of events and fortune, just as the appearance of the sky and the sea does'.[73] But Caecilius does display considerable knowledge of, and hence presumably also interest in the Twelve Tables (and other ancient legislation) and the historical circumstances in which they were put into force. He indeed stresses that 'the meaning of the laws are to be understood by reference to the language and customs of the *veteres*' and he goes on to show by means of etymology the true intentions of those clauses which seemed to Favorinus to be 'very obscure, harsh or excessively lenient or unworkable, at least if taken literally'.[74] The whole discussion is remarkable for its revelation of how easily both Favorinus and Caecilius could talk about and cite particular provisions and clauses of the Twelve Tables. Thus we have in this passage in Gellius a jurist who does not

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71 Livy 3.34.6 contains the well-known description of the Twelve Tables as "fons omnis publici privatique iuris" and Cicero, *De Or.* 1.195ff speaks of their superiority over the laws of Lycurgus, Draco and Solon (cf. *De Or.* 1.245). *NA* 20.1.4.

72 F. Casavola, 'Cultura e scienza giuridica nel secondo secolo d.C.: il senso del passato', *ANRW* 2.15 (1976), 131-175, p.138.

73 *NA* 20.1.6, 22. Cf. *NA* 16.10.8: "illa duodecim tabularum antiquitas consopita sit".

74 *NA* 20.1.6 (cf §23 and Cic., *De Or.* 1.247: "non vides, veteres leges aut ipsa sua vetustate consenuisse, aut novis legibus esse sublatas?"), *NA* 20.1.4.

only not scorn laws which have lost their efficacy and validity, but also shows some not inconsiderable interest in and understanding of the origins of those laws, apparently in clear contrast to all other known jurists, except Pomponius and Gaius. It is, of course, impossible to discern to what degree Caecilius is being used as a mouthpiece for Gellius himself: certainly the connection of *mores veterum* and *verba veterum* combines two of Gellius' prime interests. Furthermore, the only other extracts, which we possess from Caecilius' works show no indication of such an interest in the past, though, of course, this proves nothing: these fragments are too small and isolated for us to be able to assert that they are representative of Caecilius' works; one may just as validly suggest that the utterances of Gellius' Caecilius should lead us to wonder whether other jurists might not have held similar views.[75]

Support for Schulz's view of the jurist uninterested in all but current provisions of the law would seem to be provided by the jurist, described as *ius civile callens* and as a *familiaris* of Gellius, whom the latter meets in the Forum at a reading of Ennius' *Annales*.[76] The incident clearly represents the opposite extreme to that of the debate between Favorinus and Caecilius, and it would not seem unreasonable to suggest that Gellius saw this anonymous jurist as representing a level of jurisprudence distinctly inferior to that represented by Caecilius. Indeed the anonymous jurist's mention of the *lex Aebutia* as having removed the Twelve Tables from the subjects with which he need concern himself, suggests that he belonged to that part of the profession concerned with cautelary jurisprudence, that is with the drawing up of the correct formulae with which to proceed in litigation (an area which, it seems, was left to the lesser members of the juristic profession) for it was the *lex Aebutia* (together with two *leges Juliae iudiciorum*), which for the most part abolished the *legis actiones* and introduced the more flexible formulary procedure.[77]

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75 *D.* 30.39 pr. and *D.* 19.2.33. Assuming they are from the same Africanus.

76 *NA* 16.10. Cf. C. S. Tomulescu, 'The role of the *lex Aebutia*', *The Irish Jurist* 6 (1971), 136-141.

77 Gaius, *Inst.* 4.30. The *lex Aebutia* is one of the most discussed of Roman laws and its provisions are much disputed. Cf. W. W. Buckland, *A Text-Book of Roman Law from Augustus to Justinian* (3rd ed. rev. by P. Stein, Cambridge, 1963), 627ff; P. Birks, 'From *legis actio* to *formula*', *The Irish Jurist* 4 (1969), 356-367, notes the alternative view of the law as merely recognising a formulary procedure which had been established by custom and *iure praetorio*. On the cautelary jurists cf. Schulz, *RLS*, 17, 49f, 111 and M. Amelotti and G. Costamagna, *Alle Origini del Notariato Italiano* Studi Storici sul Notariato Italiano II (Rome, 1975), 5-16.

The encounter reported by Gellius suggests some interesting points. Given what we hear from various sources, and the general picture of the second century A.D. built up by modern scholarship, we should not be surprised to find that a public reading of Ennius was being held in the Forum, nor that it was well attended: what is surprising is that this self-avowed modernist was to be found amid such a gathering. Furthermore, as Nörr notes, the jurist appears quite conversant with the ancient terminology of the Twelve Tables, a familiarity which must suggest some form of interest.[78] It is difficult, if not impossible, to reconcile these contradictory aspects of this jurist. Perhaps the article should be seen as reflecting the carelessness of composition, which Nettleship thought he could see in much of the *Noctes Atticae*; alternatively (assuming the story not to be pure fiction), it may be that the man was in a bad mood, or, perhaps more likely, simply fed up with Gellius.[79] The suggestion, inherent in the text, however, would seem to be that the attitude of this anonymous friend of Gellius is in some way untypical: note that there are displayed no qualms or hesitations about approaching a jurist for, initially, an explanation of a word used in Ennius: it is only after the man's first refusal to provide an answer that the question is converted into one based on the Twelve Tables.

Relevant here would seem to be Crassus' remarks in the *De Oratore*, in which he mentions the variety of subjects on which jurists such as Sextus Aelius Paetus Catus and Manius Manilius were expected to be able to give advice in the Republic.[80] The jurists' monographs seem to have contained much of an antiquarian nature, and within the *Noctes Atticae* we find further indications of the inter-disciplinary knowledge which was apparently expected of jurists, philosophers and grammarians alike.

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78 D. Nörr, 'Pomponius oder "Zum Geschichtsverständnis der römischen Juristen"', *ANRW* 2.15 (1976), 497-604, p.556. Compare the familiarity with the Twelve Tables displayed by Favorinus and Caecilius in *NA* 20.1.

79 Nettleship, *Gellius*, 253. That the anonymous jurist is described by Gellius as *familiarem meum* - an odd relationship for Gellius to wish to publicise, given the beliefs expressed by the jurist - together with the sparing of the ridicule and/or belittling criticism directed at the grammarians, who, in articles with a similar content and structure, play a similar central role to that of the jurist (*NA* 4.1, 5.21, 8.14 [possibly] and 9.15) - would all tend to counter arguments that the piece is fiction. Cf. R. Marache, 'La mise en scène des "Nuits Attiques". Aulu-Gelle et la diatribe', *Pallas* 1 (1953), 84-95 and L. A. Holford-Strevens, 'Fact and Fiction in Aulus Gellius', *LCM* 7 (1982), 65-68.

80 Cic., *De Or.* 3.133-5. Cf. Schulz, *RLS*, 119.

An interest in legal history, if not widespread among the jurists, was then certainly not restricted to Gellius. One of the closest parallels to Gellius' interests, at least as reflected by the article on sumptuary legislation, is, however, provided by Tacitus. For the latter is led by mention of the Augustan marriage legislation to introduce into the *Annales* an excursus *de principiis iuris et quibus modis ad hanc multitudinem infinitam ac varietatem legum perventum sit.*[81] The account presents a brief and selective outline of Roman legislative history. Two features stand out: firstly, Tacitus seems to select those laws which created or were the result of controversy, and secondly, he does not seem to concern himself so much with individual laws (in contrast to Gellius who goes through the sumptuary laws by name and date), as with those behind the laws; some of the provisions of the laws are mentioned briefly, but the essential feature of the digression is a string of names from Numa to Tiberius, by way of the decemvirs, the Gracchi, Saturninus, Lepidus, Pompey and Augustus. It is as much, if not more, a history of crisis and dissension at Rome, seen in the aspect of the laws passed at the time, as it is a history of legislation.

The most important piece of legal-historical literature is undoubtedly the *Enchiridium* of Pomponius.[82] This also is more than a simple history of legislation, such as that presented by Gellius. It is concerned but little, if at all, with the law, but rather treats of the way in which laws were made, applied and interpreted at Rome, as is also suggested by the *Digest* title, under which (probably only part of) the *Enchiridium* is preserved, and which has been seen as possibly reflecting the original title of the work: *De origine iuris et omnium magistratuum et successione prudentium.* The *Enchiridium* follows this plan closely, dealing first with the sources of the law from earliest times up to the second century A.D.,[83] then with the *nomina et origo magistratuum*, concentrating on *iurisdictio*[84] and finally presenting a survey of jurists up to Julian.[85] The first two parts conclude with summaries of the historical

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81 *NA* 2.24; Tac., *Ann.* 3.25.3. The digression runs from 3.26.1 to 3.28.6.

82 *D.* 1.2.2 has a large fragment of this important text, which has received a good deal of modern scholarly attention, perhaps the most thorough and thought-provoking being that of Nörr, *art. cit.* (n.78).

83 *Iuris origo et processus*: *D.* 1.2.2.1-12.

84 *D.* 1.2.2.13-34.

85 *D.* 1.2.2.35-53. Note the similar tri-partite division of Sextus Aelius Paetus Catus' *Commentaria Tripertita* (cf. Schulz, *RLS*, 21f and 35f).

development presented; we do not know whether the *auctorum successio* was so summarised, but may perhaps suggest that it was not, Pomponius probably seeing the *processus* as unfinished.[86] It is unclear how much of the *Enchiridium* we possess: certainly the extant portion reads as though it may have been merely a (lengthy) introduction to an Institutional work in the same way that other isagogic works, such as Celsus' *De Medecina* and Quintilian's *Institutio Oratoria* contained such historical introductions.[87] Much scholarly time and effort has, of course, been expended on the question of Pomponius' sources, and indeed there may well be parallels for the individual parts of the work, but the whole remains unique, and, as Nörr notes, "es ist kein anderes Werk aus der römischen Rechtsliteratur bekannt, in dem ein Jurist historisch über die juristische Tätigkeit reflektiert".[88] But if it has no parallel in juristic literature, it may have had one in antiquarian literature.

Probably the most significant difference between antiquarian and juristic writing is that antiquarian works were intended for, and written by amateurs, while there is little indication that the works of the jurists were either intended or destined for non-juristic audiences. The only juristic works which appear not to have assumed some knowledge of the law were the 'Institutional' works: but of these the first example is that of Gaius; and, furthermore, all such works were apparently intended for the training of jurists, not as introductory works for amateurs.[89] The only exceptions to the predominantly private scholarly nature of legal literature seem to have been Gaius' *Res Cottidianae* (an elementary law book on 'everyday matters', apparently addressed to a general reader[90]), the *Gnomon* of the Idios Logos (perhaps) and the *libri Regularum* of several jurists, which are both too technical and too detailed for those with no prior knowledge of the law and too unsystematic in presentation to be of use as elementary

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86 Cf. Nörr, *art. cit.* (n.78), 517.

87 We may compare also the introductory passages to the *Institutes* of Gaius and Justinian, as well as, of course, those to the *Digest* itself.

88 Nörr, art. *cit.*, 510. Nörr's discussion of the question of Pomponius' sources is thoughtful and avoids too much inventiveness (*ibid.*, 518-533).

89 An essentially sound, if at times speculative, summary of legal education at Rome is provided by A. M. Honoré, 'Julian's Circle', *Tijdschrift voor Rechtsgeschiedenis* 32 (1964) 3-6.

90 Cf. A. M. Honoré, *Gaius* (Oxford, 1962), xii and 99ff.

textbooks: it has been convincingly suggested that they would have been of particular use as quick-reference guides to the law for (lesser) officials in the imperial service, who would not have needed long substantiatory arguments and the citation of authorities.[91]

4. Religion and Politics

In this work I am not concerned with antiquarian writing on Roman religion (the one aspect of Roman antiquarian writing which has received some modern attention, though not to my knowledge any attempt to analyse it as antiquarian writing), but I should establish at the outset that the distinction between what is political and what religious may not always have been as clear as one might wish. Varro did indeed write at length on the *Antiquitates Rerum Humanarum et Divinarum* and did distinguish between *res humanae* and *res divinae*, but it is important to note that the two were combined in one work and, furthermore, it is possible in the fragments to see a certain overlap between the two parts, as is also betrayed by Verrius Flaccus' description of the *pontifex maximus* as *iudex atque arbiter rerum divinarum humanarumque*.[92]

The subject of games, to which two books of the *Res Divinae* (and much subsequent antiquarian scholarship) were devoted, may prove instructive.[93] As with, for example, much of the wedding ritual, so games also had a religious origin, yet effectively survived as customary: Augustine seems to have recognised this, for in explaining why Varro put games among the *res divinae* and not among the *res humanae*, he suggests that this was not done on Varro's own initiative, "sed quoniam eos Romae natus et educatus in divinis rebus invenit".[94] Certainly, for Gellius, the Elder Pliny and other writers of the imperial age the religious element in these was slight; at most it helps to provide

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91 P. Stein, *Regulae Iuris. From juristic rules to legal maxims* (Edinburgh, 1966), ch. 4, esp. pp. 79ff.

92 Fest., 158 *ordo pontificum*.

93 *RD* Books 9 and 10 on *ludi circenses* and *ludi scaenici*. Varro also wrote separate works *De Actionibus Scaenicis*, *De Actis Scaenicis* and *De Scaenicis Originibus*.

94 *CD* 4.1. Cf. H. Hagendahl, *Augustine and the Latin Classics* (Göteborg, 1967), 614f. Note also Cicero, *Legg.* 2.9.22 and 2.15.38f. where he includes and comments on a provision regarding the *ludi publici* (which he also divides into those of the theatre and those of the circus) among his proposed *leges de religione*.

an explanation of their origin. Too little remains of Suetonius' *Ludicra Historia*, which one assumes relied heavily on Varro's works, for us to know whether he looked at the religious basis of the games in any great depth; far clearer, not least from the *Vitae Caesarum*, is Suetonius' interest in their development as a public spectacle, which is also the Elder Pliny's main interest in games. Similarly, it would seem that the religious element in, for example, the meetings of the Roman assemblies had lost much of its significance: the *auspicia* of magistrates were regarded more as one mark of office rather than of great religious importance, and the taking of the auspices seems to have become merely part of the procedure. This view seems confirmed by the efforts which Augustus made to foster a more devout respect for the gods on the part of the senators during meetings.[95]

Roman religion differed little from any other civil institution of the Roman state; indeed, as was noticed by Polybius, it was an essential part of the Roman state. Varro's own explanation for dealing first with the affairs of men and with those of the gods second supports this view: "As the painter exists before the picture and the builder before the building, so the state exists before the institutions of the state". Similarly Cicero, in his account of Romulus' reign in the *De Re Publica*, shows that the religious and political functions of the king were united at the earliest stage and in the *De Legibus* he refers to a statement made by Q. Mucius Scaevola, the jurist (and also pontiff) that his father, Publius Mucius Scaevola, often said that no one could be a good pontiff unless he be familiar with the *ius civile*. Cicero, however, goes on to question the need for a pontiff to know all branches of the civil law, except that which is connected with religion: that Cicero feels it necessary to question this (at some length) surely suggests the strong links between pontifical and juristic science which still existed in his day.[96] That the political elite of Rome was the main source of the holders of the priestly offices is well attested and the shared responsibilities of the Roman government and religion opened the way for the possibility of what might be seen as the abuse of religion for personal ends: but to speak of the

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95 Dio 54.30.1; Suetonius, *Aug.* 35.3.

96 Polyb. 6.56.6ff.; Augustine, *CD* 6.4; *Rep.* 2.9.16 (cf. Livy 4.4.2); *Legg.* 2.19.47 and 2.21.52f. Cf. also Schulz, *RLS*, 6ff. and Pomponius *D.* 1.2.2.6 for the pontiffs as the first Roman jurisprudents.

political misuse of religion is something of a tautology, for religion and politics were "considered rather as essentially the same activity viewed from a different standpoint."[97] Cicero sees little wrong with this state of affairs and even regards it as in the interests of the state.[98] Yet we may perhaps wonder whether the manipulation of religion, which certainly did take place in the late Republic, did not form at least part of the background to the apparent upsurge in the writing of works on religion in the late Republic and hence also to Varro's work. In both the *Res Humanae* and the *Res Divinae* Varro deals with the calendar; and the calendar reforms of Julius Caesar, the dedicatee of at least the *Res Divinae*, resulted in far less opportunity for any form of manipulation, whether approved of by Cicero or not. Can it, by extension, be suggested that Varro's study of Roman religious practices (for this is the most important element of the *Res Divinae*) was directed at a similar aim: to establish clearly the correct procedures of public life?[99] This may also have been part of Varro's aim in the final hexad of the *Res Humanae*, where he deals with the civil and military institutions of Rome, and we should note also Gellius' strivings to establish the correct procedures according to which one should act in public life, which may derive ultimately from Varro. Note that these aims could be independent of any more directly political one: there is no necessity to assume that Varro in either part of the *Antiquitates* was setting forth a programme for political and religious reform, which, say, Julius Caesar was intended to put into force.

I have mentioned the process by which religion could be transformed into *mos*, the customary. A similar process can be seen in the normative power of the customary: this latter process lies at the heart of what may only be described

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97 D.C. Earl, *The Moral and Political Tradition of Rome* (London, 1967), 22. On the uses of the state religion see also L.R. Taylor, *Party Politics in the Age of Caesar* (Berkeley, 1949), Ch. 4 'Manipulating the state religion'; E.S. Staveley, *Greek and Roman Voting and Elections* (London, 1972), 206-209; A. Wardman, *Religion and Statecraft among the Romans* (London, 1982); and compare North, *art. cit.* (n.10) and J.H.W.G. Liebeschuetz, *Continuity and Change in Roman Religion* (Oxford, 1979).

98 At *Legg.* 3.12.7 Cicero proposes "omnibus magistratibus auspicia et iudicia data sunt". Cf. *De Domo Sua* 1: "our most distinguished and respected citizens should, by the wise conduct of the *respublica*, guard and preserve its religion, and by their wise understanding of that religion guard and preserve the *respublica*."

99 B. Cardauns, 'Varro und die römische Religion. Zur Theologie, Wirkungsgeschichte und Leistung der "Antiquitates Rerum Divinarum"', *ANRW* 2.16.1 (1978), 80-103 suggests (p.87) that "wenn Varro sein Werk Caesar widmete, so knüpfte er daran zweifellos die Hoffnung, daß dieser so entgegennehmen werde, um sein wichtigstes Anliegen in die Tat umzusetzen." Cardauns' suggestion is rightly denied by Jocelyn, *art. cit.* (n.10), esp. 153-191.

as the Roman constitution.[100] Of course, there was no Roman concept of 'the constitution': terms such as *res publica, populus Romanus* and *Senatus Populusque Romanus* are effectively merely descriptive of different aspects of what existed. The elder Pliny's note that, at some time after Cicero *stabilivit equestre nomen* (in 63 B.C.), the name of the equestrian order was added to the formula *SPQR* is a clear example of the descriptive (as opposed to conceptual) terminology used in this field.[101] Hence definitions of, for example, the complex concept of *res publica* are rare: we do not know whether Varro attempted such a definition and indeed it is perhaps not the sort of subject with which we should expect to find antiquarians involving themselves, for they were in general rather more concerned with the origins of the constituent parts of the *res publica*.[102] Cicero, who may have been following Varro, made clear his understanding of the term in the *De Re Publica*, but unfortunately the manuscript breaks off just as Scipio starts to define *res publica*: it seems that the definition was of the general nature of *res publicae*, not of its application to Rome.[103]

Summary

This chapter has not sought to present any particular argument, but is intended to serve as an introduction to the various areas of antiquarian interest in the way in which the Roman state functioned. It thereby serves also to provide some of the background for the chapter which follows. It is worth bearing in mind that the antiquarian scholars were aware that the state functioned on various levels, and while they tended to concentrate on the constraints on public life, they also discussed those governing private life.

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100 Understood in the sense given by the *OED* s.v. *constitution* no. 7: "The system or body of fundamental principles according to which a nation, state or body politic is constituted or governed." For the process cf. *D.* 1.3.32: "De quibus causis scriptis legibus non utimur, id custodiri oportet, quod moribus et consuetudine inductum est.... Inveterata consuetudo pro lege non immerito custoditur, et hoc est ius quod dicitur moribus constitutum." Cf. also *D.* 1.3.33 and 1.3.35. These refer, of course, to the *ius civile*.

101 *NH* 33.8.34. Cf. Apul., *Met.* 11.17 where good fortune is prayed for "principi magno senatuique et equiti totoque Romano populo".

102 As Cicero/Scipio comments *Rep.* 1.24.38. But at 2.1.3 Cicero/Scipio does in fact go back to the *populi Romani origo*.

103 The main discussion is at *Rep.* 1.24.38-40. Note Scipio's comment (*Rep.* 2.39.65f.) that he has used the example of Rome "non ad definiendum optimum statum ... sed ut civitate maxima reapse cerneretur quale esset id quod ratio oratioque describeret."

5 Roman Antiquarian Writing on the Magistracies of Rome

I turn now to consider the nature of Roman antiquarian writing on the Roman magistracies. We have seen that Varro, in the twenty-first book of his *Res Humanae*, discussed each magistracy in turn (though we do not know the order followed), and I shall follow the same structure here, not least since this will allow us to see more clearly which magistracies were apparently of greater interest.[1] The word 'apparently' is used advisedly: it should be stressed that, in the absence of Varro's discussion, we do not have a full account by a Roman antiquarian of any aspect of Roman public law. On the other hand, Varro's account seems to have been the last to deal with all the magistracies in a single work: works such as Verrius Flaccus' *De Verborum Significatu* and Gellius' *Noctes Atticae* discuss only some aspects of some of the magistracies sometimes. Similarly, the juristic monographs dealt with individual magistracies; and it would seem that the magistracies as a whole were not discussed in a single work again until John Lydus' work *On the Magistracies of the Roman State*, written in the middle of the sixth century A.D., which in its own way regathers some of the strands of Varro's work.

The picture is then incomplete, yet from this incompleteness we learn something of the interests of (at least) post-Varronian antiquarian scholarship. Here we meet a paradox of Roman antiquarianism: while it was often concerned

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1 Note that to avoid unnecessary repetition, I have not provided summaries to each of the sections which follow, but will consider at the end of this chapter antiquarian writing on the magistracies as a whole.

to set out the origins of, and precedents for extant institutions, it could still be fascinated by matters which, to the best of modern scholarship's knowledge, had no contemporary relevance. For instance, the striving for relevance has led to an apparent absence of discussion of the *tribuni militares consulari potestate* of the early Republic, though on the other hand a note on a consul's duty to lead the forces of the Latin league could still be reproduced in the second century A.D.

There arises, then, a picture of antiquarian writing becoming less interested in the whole, and concentrating more on some of the parts: this is more generally applicable than just to the magistracies. There are no doubt several explanations for this shift in perspective: for instance, there may have been political reasons why some aspects should have been passed over and others highlighted. Much of what survives of the antiquarian tradition can be related to the institutions and reinstitutions made by Augustus, and which formed the constitutional bases of the Principate. Equally, of course, in the imperial period such institutions were more important than others which might still have been in existence, but no longer had any important role. Such matters as the powers of the tribunate of the plebs became relevant (because of the assumption of those powers by the emperors, though probably in deference to the emperors' sensibilities the discussion is of the tribunate itself, not *tribunicia potestas*).

The issue of relevancy often comes to the fore: there is, for instance, a marked emphasis on the utility of the information presented by Gellius in the *Noctes Atticae* (even if the utility extends no further than for erudite table-talk). Thus Gellius dredges out of Book 21 of Varro's *Res Humanae* a discussion of magisterial rights of summons and arrest, specifically adding that this was not an academic question, but was raised by a recent incident.[2] This raises another factor. Varro, it would appear, had dealt with the magistracies (*inter alia*) in full, and copies of at least the relevant parts of his *Antiquitates* were still in existence and relatively (for Gellius, apparently readily) accessible. There may simply have been no need to repeat everything which was in Varro, merely items of contemporary interest.[3] It would be useful to know more about the availability of reference works such as Varro's *Antiquitates*.

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2 *NA* 13.12; 13.13.

3 Cf. Cicero's comment that he need not expound at great length on the magistracies, since they had already been discussed by Junius Gracchanus (*Legg.* 3.20.48).

In what survives, there are two distinct emphases in antiquarian writing on the magistracies: firstly, their powers and jurisdiction; secondly their history, or more specifically their origins. 'Origins' of course includes etymologies, and we see here again the way in which Roman antiquarian scholarship frequently explained the nature and function of institutions by examining their original nature and function. There is also one dominating feature of Roman antiquarian writing on the magistracies, as on all subjects: a concentration on detailed aspects. We have no extant attempt by a Roman antiquarian to deal with the powers (etc.) of the magistracies in general: only detailed discussions of individual aspects survive. The exception is John Lydus' Περὶ ἀρχῶν τῆς Ῥωμαίων πολιτείας (*De Magistratibus*): this provides a history of the Roman magistracies (*inter alia*), apparently relying heavily on juristic literature, particularly the *Digest*. It is interesting that where Lydus concentrates on the magistracies, the text consists of passages on detailed aspects, often their dress and insignia, drawn ultimately from the Roman jurists and antiquarians, with basic linking material supplied by Lydus himself.

This assumes that Varro's *Antiquitates* discussed the magistracies in their entirety. But this need not mean that the discussion was a general one: the indications are that Varro's discussions must have been of considerable size, for later writers are able to select from them various matters of specific detail. That they could select such a variety of material perhaps provides a key: if we assume that a particular note on one magistracy was paralleled by similar notes on the other magistracies, then we begin to build up a picture of what Book 21 of Varro's *Res Humanae* may have been like.

1. General information on magistracies

The Roman antiquarian writing which survives is, then, characterised by its emphasis on detail. As we have seen Varro made his preference for detail explicit. But we must surely presume that at times he would have assumed a more general viewpoint? Such must have been the case in Book 20, the introduction to the hexad *de rebus* of the *Res Humanae*.

Verrius Flaccus seems to have looked more than once at the meaning and origin of *magistratus* and at least some of the provisions applicable to all magistrates, but here also there is a preponderance of detail (even to the extent of recording the names of magistrates in the other Italian languages).[4] But the *De Verborum Significatu* was essentially a lexicon and as such would contain more general information: hence there are also notes (often little more than the most basic definitions) on such matters as the legal definition of the ages at which magistracies could be held and the meaning of *cum populo agere*.[5]

Among the several series of glosses which make up the *De Verborum Significatu*, Strzelecki identified one which was probably drawn from Book 21 of Varro's *Res Humanae*.[6] If these glosses do derive from Varro (and Strzelecki's arguments are convincing), then we gain some idea of the scope of Varro's discussion of the history of the Roman magistracies, and so it is worthwhile seeing what can be deduced from the material identified by Strzelecki.

Festus preserves something of Verrius Flaccus' gloss *religionis praecipuae*, which is explicitly derived from Varro, though from which work is uncertain. The fragment provides a list of censors, and so we may assume that Varro enumerated those who had held the various magistracies, or at least the censorship. Possibly on the basis of a mention of Alba by Cincius, Varro discussed *priscae Latinae coloniae*, though it is unclear how this related to the account of magistracies. The discussion of the praetorship apparently included, besides some rather tangential material (*s.v. praetor*), their jurisdiction: the meaning of *possessio* is explained, presumably in connection with the *interdictum uti possidetis*. Connected with the glosses *priscae Latinae coloniae*, *praetor* and *possessiones* is one other (*s.v. patricios*), which hints at there originally being a discussion of patricians and plebeians included in Verrius' source; as Strzelecki notes, it is unlikely that in a history of Roman magistracies,

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4 Paul., *Fest.* 49 *currules*, 50 *cum imperio est*, 126 *magisterare*, Fest., 154 *magisteria*, 154 *matronae*, 238 *parum cavisse videtur*, etc. Cf. Paul., *Fest.* 123 *meddix*. Note also 234 *parare inter se munus* on the division of responsibilities and provinces of Roman magistrates among themselves *sine sortitione*.

5 Paul., *Fest.* 27 *annaria lex*; 50 *cum populo agere*; cf., e.g., 23 *abacti magistratus*.

6 Strzelecki, *Verrianae*, 52-58. Cf. the tabulated summary on p. 62.

the struggle of the orders could be ignored.[7] From the same history of magistracies would appear to come an explanation of *manceps*, a note that the Latins and ancient Romans regarded March as the beginning of the year and a group of four glosses apparently related to the censorship. Of these last, the glosses *censui censendo* and *censores* are separated by *comedum* and *comedo*, which Strzelecki suggested (not without reason) may be ancient terms for men degraded by the censors on account of luxury.[8]

So it would seem that Varro (?) explained the names of the magistracies by considering the etymology, in this instance of *censores* (we know from other fragments that Varro followed this approach for other magistracies), listed those who had held the magistracies (*religionis praecipuae*), discussed their various duties (as attested elsewhere for Varro), competences (*possessio, manceps, censui censendo*) and privileges (in this instance the grant of a place for curule magistrates in the Circus), and also covered a variety of subjects related to the magistracies, in some cases directly related (*Martius mensis* - by 216 B.C. at the latest the 15th of March had been fixed as the day when magistrates entered office; *patricios*), in others apparently only tenuously related (*comedum, comedo, priscae Latinae coloniae*).[9]

We also find information of a general nature on the magistracies in Cicero and Suetonius. This is, of course, not surprising: as we have seen, Cicero's ideal state was based on Rome and the Roman magistracies figure prominently, particularly in the *De Legibus*, though their role in the *De Re Publica* should not be underestimated; and Suetonius' subject was the Caesars, and the (not inconsiderable) antiquarian material contained in his *Vitae* is there principally to illustrate those lives. Suetonius comments on changes, re-institutions or new institutions or on other novelties in the relations between the emperors and their subjects: for example he reports the basis on which Julius Caesar 'shared' the elections of magistrates with the people; his method of appointing magistrates

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7 Fest., 285 *religionis praecipuae*; 241 *priscae Latinae coloniae*; *praetor*; *patricios*; *possessiones*; Strzelecki, *Verrianae*, 55. On the *interdictum uti possidetis* cf. Gaius, *Inst.* 4.148f.; *D.* 43.17; Fest., 233 *possessio*. Cf. also Fest., 241 *possessiones*.

8 Strzelecki, *Verrianae*, 52f.

9 Paul., *Fest.* 151 *manceps*; Fest., 150 *Martius Mensis*; Paul., *Fest.* 58 *censui censendo; comedum; comedo; censores*; Fest., 344 *sellae curulis*. On the day of entering office, cf. *StR* 1.592-608, esp. 599f.

spreto patrio more by naming those who would hold office for several years to come; and there is more than a hint of disapproval in Suetonius' enumeration of the various offices and titles held by Caesar. Similarly, we hear of Augustus' ruling that magistrates should not be sent to provinces immediately after leaving office, and there are similar notes in the lives of Nero, Galba and Domitian on those emperor's rulings or attitudes regarding the holding of magistracies.[10]

A group of articles in Book 13 of Gellius' *Noctes Atticae* also gives some indication of what discussions of the magistracies as a whole may have covered. This group is remarkable considering Gellius' usual care to avoid thematic links between consecutive articles. The first of these considers the question of which magistrates had the power of summons (*ius vocationis*) and which the power of arrest (*ius prensionis*). Gellius compares Ateius Capito's account of Antistius Labeo's refusal to answer the summons of the tribunes of the plebs (on the grounds that the latter possessed the *ius prensionis*, but not the *ius vocationis*) with the fuller treatment of the matter by Varro in the twenty-first book of the *Antiquitates Rerum Humanarum*, which Gellius quotes. Thus we learn that the *ius vocationis* belonged to those magistrates who possessed *imperium*, while the *ius prensionis* was possessed by the tribunes and those other magistrates who had a *viator*. There follows an illustration of this from Varro's own experience: that is the theory was related to practice. This is significant, for it shows that Roman antiquarian writing was not as 'dry and dusty' as at least its modern counterpart is often perceived.

Gellius' contribution to this debate is interesting, for it not only reflects the views of someone looking back on the situation over one hundred years later, but also a fair degree of pragmatism: Gellius considers that Labeo placed too much confidence (*vana fiducia* indeed) in the *vetus ius* and argues, unusually passionately, that it was unreasonable to refuse to answer the summons, given that the tribunes could quite legally have arrested him. But then Gellius the antiquarian takes over and he digresses into an explanation of why the tribunes did not have the power of summons: this he does by looking at the original

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10 Suet., *Jul.* 41, 76.3, 76.1; *Aug.* 36. Cf. *Aug.* 40.2; *Nero* 15.2; *Galba* 15.1; *Dom.* 7.2.

function of the tribunes of the plebs, which he suggests was to use their right of *intercessio* to prevent injustice; and this function, he suggests, also explains the fact that the tribunes were not allowed to leave Rome at night.[11]

The next article in this series is based on information in the same book of Varro's *Res Humanae*, but takes a rather different stance towards the utility of Varro's researches. Here the question is whether a praetor was empowered to call a quaestor to appear in court before him and Gellius adds that this was not an academic question: "id autem non ex otiosa quaestione agitabatur, sed usus forte natae rei ita erat, ut vocandus esset in ius quaestor." The question was solved by Gellius' reference to Varro, who had written that magistrates (such as quaestors) without the rights of *vocatio* and *prensio* could be called into court even by a private citizen. We may compare the jurist Paul, who records a ruling that the praetor can cite no higher magistrate: "nam magistratus superiore aut pari imperio nullo modo possunt cogi".[12]

Gellius makes it clear that these two discussions came in two separate sections of Book 21 of the *Res Humanae*. The second he says comes from the section on aediles, and the first would seem to be concerned mainly with the tribunate, though Gellius can draw from it conclusions about the quaestorship: it may, therefore, come from a more general discussion of rights of summons and arrest.

This series of articles is then apparently interrupted by one which discusses the *pomerium*. Yet this article is linked to the next two (the name of the augur Messala appears in all three) which deal with the ranking of magistrates and the distinction between the *ius auspiciorum maiorum* or *maximorum* and the *ius auspiciorum minorum*.[13] The same information was reproduced from Messalla by Verrius Flaccus and it may be presumed that Varro too discussed in the *Res Humanae* the right of magistrates to take the auspices, as indeed is indicated by a

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11 *NA* 13.12. Gellius is more precise about the tribunes' lack of the *ius abnoctandi* at *NA* 3.2.11, which is also derived from the *RH*, this time from the book *de diebus*.

12 *NA* 13.13; *D.* 4.8.3-4. Cf. Cic., *Legg.* 3.3.6.

13 *NA* 13.14; 13.15; 13.16. The order is: those who have the *maxima auspicia*, that is consuls, praetors and censors, followed by those with the *minora auspicia*. Cf. *StR* 1.76-116.

fragment from Book 20.[14] We know from a separate article in the *Noctes Atticae*, that Varro also set out the ranking of magistrates: he enumerates those magistrates who could convene the senate and issue *senatusconsulta* in their order of priority, should it happen that all were in Rome at the same time.[15]

So some general discussions of magistracies do survive, though in no case is it certain that these were reserved for separate sections. Rather, the general impression is that they are essentially digressions, suggested by some facet of whatever was under discussion.

2. Consuls and Consular Tribunes

While Gellius mentions consuls on several occasions, he does not devote an entire article to the subject.[16] There are, however, two articles in which the consulship plays an important part. In the first of these Gellius discusses which of the two consuls should have precedence over the other: he refers to the seventh chapter of a *lex Julia* - presumably Augustus' law *de maritandis ordinibus* - which gave the right to assume the *fasces* first not to the eldest of the two, but to the one who had the most children. Gellius briefly sketches the various provisions of the law in the event that they both had the same number of children or that they were in some other way equal in the eyes of the law in question. His emphasis is on when rank is conferred by age, as is shown by his final remark that he "hears" that it was the usual practice for the *fasces* to be ceded to men of considerably greater age, or who were *nobiliores* or were entering upon a second consulship. Cicero and Verrius Flaccus would agree, and so it would seem that this subject was covered in the antiquarian tradition.[17] But for Gellius the point seems to be a more general one: he only turns to the

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14 Fest., 157 *minora*; *RI* Book 20 frg. 9 Mirsch (=Non., p.92.8-10M). Cf. G. Ranucci, 'Il libro XX delle "Res humanae" di Varrone' *Studi Noniani* 2 (Genoa, 1972), *ad loc.* Note also the discussions of the meaning of *maximus praetor*, *maior consul* and *praetores maiores* and *minores* by Festus (p.161).

15 *NA* 14.7.4. The list is as follows: dictator, consuls, praetors, tribunes of the plebs, *interrex* and *praefectus urbi*.

16 *NA* 2.15; 3.18.7; 5.4; 10.15.4; 12.13.1; 13.15.1; 14.7; 17.21.19; 17.21.27.

17 *NA* 2.15; cf. Livy 9.8.2. *NA* 2.7; 5.13. Cf. Cic., *Rep.* 2.31.55: "[P. Valerius Publicola] sibi collegam Sp. Lucretium subrogavit suosque ad eum, quod erat maior natu, lictores transire"; *Off.* 1.41.149: "Tribuere etiam multum senectuti, cedere iis, qui magistratum habebunt"; Fest., p.161: "maximum praetorem dici putant ... alii qui aetatis maximae [sit]" and *ibid.* "maiorem consulem L. Caesar putat dici, vel eum, penes quem fasces sint, vel eum, qui prior factus sit."

consulship here after some general comments on the customary respect to be found *apud antiquissimos Romanorum* for one's elders; elsewhere Gellius expounds on the duties of a son towards his father and *de officiorum gradu atque ordine moribus populi Romani observato*.[18]

The second article is that which reproduces Varro's list of those magistrates who were empowered to summon and to preside at meetings of the senate.[19] Also included here are the *tribuni militares consulari potestate*: Gellius is, of course, quoting from Varro who presumably like Gellius felt no need to explain here who these were or when and why they were created; in the case of Varro it is reasonable to presume that they were discussed at some point in the *Res Humanae*, though it is worth noting here that in general it is the annalistic tradition which is our main source of information on such matters.[20] Yet their presence in what was clearly intended as a practical introduction to the senate seems a little strange: their inclusion presumably stems from Varro's striving for completeness. While the presence of these military tribunes here in Gellius is no doubt due merely to his citation of Varro, when Gellius mentions them again (in his synchronistic sketch of Greek and Roman history) it is presumably on his own initiative: but here again there is no discussion of their role (not that the scope of this article leaves any room for such a digression), rather Gellius leaves it to be understood that they were a new creation, for in the same sentence he mentions changes in the type of government at Athens and Syracuse.[21]

Gellius' apparent lack of interest reflects that of the antiquarian tradition. Information on the *tribuni militares consulari potestate* does not seem to have found its way into the antiquarian tradition,[22] and there are only the most meagre traces regarding the consulship. Outside Gellius' fragments, Varro mentions the consuls on only a few occasions. In one instance he quotes from some

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18 *NA* 2.2; 2.7; 5.13.

19 *NA* 14.7.4-5. Cf. 13.15.1 where Gellius mentions (very much in passing) the consular edict announcing the meeting of the *comitia centuriata* and 3.18.7 where Gellius gives the words of the edict "quo nunc quoque consules, cum senatores in curiam vocant, servandae consuetudinis causa tralaticio utuntur."

20 On the creation of the *tribuni militares cos. pot.* see Livy 4.1-7; Dion. Hal, *Ant. Rom.* 11.53-61 etc.; cf. *StR* 2.181-192.

21 *NA* 17.21.19.

22 Elsewhere Varro only mentions the origin of the name *tribunus* (*LL* 5.81). Their creation and nature is, however, explained by Pomponius *D.* 1.2.2.25.

commentarii consularii; here and on another two occasions he discusses only their right to summon the army: we may compare Gellius' note that the *flamen Dialis* is rarely elected consul, since it was taboo for this priest to see the army ready for battle.[23] Varro mentions twice that the dictator was appointed by the consuls, but in both instances as an explanation of the origin of the name *dictator*, and on one occasion hints at their judicial function.[24]

Varro's other notes on consuls concern the origin of the name and the fact that they were originally called *praetores*.[25] Verrius Flaccus provided the same information and it is tempting to see these notes as reflecting some debate in the antiquarian tradition regarding the early development of the chief magistracy at Rome, a debate into which Cicero may have entered (see below).[26] On the other hand, however, it is interesting to note that Cicero can quote Carbo (who in 120 B.C. defended L. Opimius, who had been in charge of the court which tried the followers of Gaius Gracchus) as saying that 'If a consul is a man who takes counsel for his country, what else had Opimius done?' The etymologies of the antiquarians were, therefore, not entirely alien to political life: the derivation of *consul* (from *consulere*) was used to explain the original (or 'proper') function of the consulship.[27]

The variety of names by which the antiquarians knew the earliest consuls reflects their study of the duties and powers of magistrates, and the titles of the jurists' works *De Officio Consulis* (though we know nothing of their approach to the subject)[28] and that of L. Cincius' *De Consulum Potestate* suggest that these also dealt with such matters. The latter was quoted (once) by Verrius Flaccus for two pieces of information which are decidedly tangential to consular powers: the origin of the custom that propraetors and proconsuls leaving for

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23 *LL* 6.88 (cf. 6.93, 95); *NA* 10.15.4.

24 *LL* 5.82; 6.61; 6.91.

25 *LL* 5.80; *De Vita P.R.* frg. 68 Rip. (= Nonius p.24.1M). Cf. Florus 1.3.9. At *LL* 6.88 Varro, quoting old *commentarii consularii*, calls the consuls *iudices*, but without adding any explanation. Cf. Livy 3.55.11f.

26 Paul., *Fest.*, 223 *praetoria porta*. It is interesting that on occasion it is not made explicit by Verrius Flaccus and his epitomators precisely which official is intended when there is a reference to a praetor.

27 Cic., *De Or.* 2.165. The same etymology appears at Quint., *Inst.* 1.6.32 and August., *CD* 5.12.

28 Those of Marcellus and Ulpian are known: *D.* 1.10 *de officio consulis* has only an extract from Ulpian's which refers to the role of the consuls in manumissions. Cicero's *De Officiis* has little of relevance: he talks only once and then briefly and generally of the *officium magistratuum*. (*Off.* 1.34.124).

their provinces 'salute' the praetor at the gate of Rome and that the praetor (presumably meaning the official who later became the consul) was in some years sent at the order of the Latin league to take command of its forces: Cincius described the taking of the auspices to determine who this was to be.[29] Macrobius has a note on an equally minor duty of the consuls (and praetors and dictators); that on entering office they go to Lavinium where they sacrifice to the Penates and to Vesta.[30] If such marginal duties were discussed in the antiquarian tradition, surely there must originally have been something on more mainstream duties and powers?

More closely related to Gellius' notes (that is as contrasted to those which come explicitly from Varro) are those of Suetonius, who mentions the respect due to the consuls, noting whether or not it was exhibited by the emperors. Suetonius' note that Julius Caesar restored the *antiquus mos* that in the months when he did not have the *fasces*, an *accensus* should walk before him while the lictors followed him has a particularly antiquarian flavour.[31]

It is perhaps symptomatic of the antiquarian preference for detail that the only antiquarian-related works to mention the powers and duties of consuls more generally are Cicero's *De Re Publica* and *De Legibus*: in the former Cicero records their institution and regal power, and in the latter, as magistrates of his ideal state, they are allotted regal powers and the duties of military leader and judge. It is unfortunate that Cicero's commentary on this law is now lost: in its absence we are left with the slightly bewildering concept that one and the same official should be known by three names derived from his functions (*praetor* from *praeire*, *iudex* from *iudicare*, *consul* from *consulere*). These are, it should be noted, the three names which Varro allots the consuls, and we might have expected that Cicero, in his commentary on this law would have shed some light on the antiquarians' discussion of the early history of the consulship.[32]

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29 Fest., 241 *praetor*. Cf. 173 *vota nuncupata* (explained as those made by consuls and praetors when leaving for their provinces). Note also Fest., 234 *parare inter se munus* on Roman magistrates dividing duties or provinces between themselves *sine sortitione*: the passage is lacunose, but clearly mentioned consuls; cf. Sall., *Jug.* 47.

30 *Sat.* 3.4.11.

31 *Jul.* 20.1; cf. 76.2; *Aug.* 37; *Tib.* 31; *Nero* 15.2.

32 Cic., *Rep.* 1.40.62; 2.32.56; *Legg.* 3.3.8. Cf. *Pis.* 10.23.

3. CENSORS

There is more information on the censorship from Gellius and other antiquarians. This is probably due partly to the extraordinary nature of the office, but to a greater extent to the censors' role in the *regimen morum*, though it remains debatable whether this accounts for a greater interest on the part of the antiquarians or simply for a better rate of preservation of their notes in this area.[33] Wallace-Hadrill suggests that

> censors, with their vital responsiblilties for *mores* ... were a topic of fascination for the antiquarian, as is borne out by the frequency with which Gellius discusses them ... [Suetonius] clearly saw the role of the emperors as successors to the censors of the republic.

It is indeed this aspect on which Gellius concentrates in three articles and which he mentions on six further occasions.[34]

Similarly, in Cicero, besides his suggestion in the *De Legibus* that the censors be placed in charge of the *custodia legum*, the censorship is only discussed, in any detail, in the fourth book of the *De Re Publica*. One of the subjects of this book seems to have been the maintenance of the moral standards of the Roman people, though we have only fragments of this. One fragment interestingly seems to suggest that Cicero did not see a great deal of efficacy in the censors' activity in this area: 'A blush is about the only result of a censor's reproof'. In the other fragments we may detect two strands: the first (represented only by fragments from Nonius) relates to the control of women; the second concerns the dramatic arts. Of the latter Augustine preserves two fragments, the first noting that people appearing on stage were subject to censorial *notatio*, and in the second, where Cicero is talking about comedy, he admits that Old Comedy served to attack *homines inprobos, in re publica seditiosos*, though he regards it as better for a man to be disgraced (*notari*) by a censor than by a poet.[35]

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33 On the censors cf. J. Suolahti, *The Roman Censors. A Study in Social Structure* (Helsinki, 1963) and *StR* 2.331-469. On the *regimen morum* see A.E. Astin, '*Regimen Morum*', *JRS* 78 (1988), 14-34 and Suolahti pp. 47-53. The competence of the censors is summarised by Livy 4.82. Cf. Cic., *Legg.* 3.3.7 and Zonaras 7.19.

34 Wallace-Hadrill, *Suetonius*, 134. *NA* 15.11.2 (*de coercendis rhetoribus Latinis*); 17.21.44; 4.3.2 (both on Carvilius Ruga's divorce and the oath which he took before the censors that he had married to have children); 6.18.10 (on the sanctity of the oath); 16.13.7 (on the *tabulae Caeritum*); 17.21.39 (on an expulsion from the senate on grounds of luxury). Cf. also 2.24 on sumptuary laws.

35 Cic., *Legg.* 3.20.46; *Rep.* 4.6 (*ap.* Non. p.24,5). Women: *Rep.* 4.6 *ap.* Non. pp.423, 4; 499, 13; 306, 3; 23, 17, 21; 5, 10. With the last (on women drinking wine) cf. Pliny, *NH* 14.13.89f. and *NA* 10.23.4. Drama: *Rep.* 4.10 (*ap.* August. *CD* 2.9, 13).

The emphasis on the censors' regulation of *mores* also recurs in the Elder Pliny's *Natural History*[36] and is reflected in two notes originating from Verrius Flaccus, which explain two methods by which the censors could enforce the *regimen*, one of which (preserved only in Paulus' epitome of Festus) refers to the *aes uxorium*, effectively a tax on celibacy.[37] With the latter we may compare another article of Gellius, in which he considers more generally the duties of a censor, but with particular reference to a speech *de ducendis uxoribus* which he attributes to Metellus Numidicus.[38] The discussion revolves around Metellus' admission of the *molestia incommodaque perpetua rei uxoriae* and whether, in exhorting men to marry, he should not have glossed over such problems: the conclusion is that it would not be becoming for a censor to conceal generally known facts. This clearly belongs with Cicero's notes on censorial control of women.[39]

Gellius' only other general note on the censorship comes when he is discussing magistrates' auspices: yet here he notes only that the censors were counted among the *maiores magistratus*, but were selected under different auspices to those of the consuls and praetors. Plutarch's note that if one of the censors should die, then his colleague was obliged to resign, is now unique in the antiquarian tradition though it probably came from Ateius Capito, since Plutarch cites an Ateius earlier in the 'question'.[40]

It is remarkable that except for one brief instance where Varro seems to contrast *praetorium ius ad legem* and *censorium iudicium ad aequum*, we have no such general notes on the duties of the censors from the rest of the antiquarian tradition.[41] Even Gellius, for example, does not make clear regarding the

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36 *NH* 8.51.209; 8.57.223; 13.5.24; 14.14.95; 35.1.4.

37 Fest., 246 *praeteriti senatores* and Paul., *Fest.* 379 *aes uxorium.* Cf. *NA* 16.13.7 on the related matter of the *tabulae Caerites.*

38 *NA* 1.6. Livy (*Epit.* 59) and Suetonius (*Aug.* 89.2) both refer to a speech delivered by Q. Caecilius Metellus Macedonicus *de prole augenda* (according to Suetonius). As Rolfe noted *ad loc.* in his Loeb edition of the *Noctes Atticae* there is no need to suggest that Gellius has the wrong Metellus (which would be an understandable mistake). Cf. M. McDonnell, 'The speech of Numidicus at Gellius *NA* 1.6', *AJPh* 108 (1987), 81-94 who argues that Gellius' attribution is correct.

39 Cf. Cic., *Rep.* 4.6 (*ap.* Non. p.499.14-16M). Note also *NA* 10.23.4 where Gellius quotes from Cato's speech *de dote*, saying that a man divorcing his wife assumes censorial powers over her and possesses a sort of *imperium* allowing him to inflict any punishment which he sees fit.

40 *NA* 13.15.4; Plut., *QR* 50 (he cites the censorship of 109 B.C. as an instance of this).

41 *LL* 6.71. But Cic., *Rep.* 2.35.60 mentions the imposition of fines by the censors.

jurisdiction of the censors that they were concerned not with criminal acts or other matters which would come within the ambit of civil magistrates and were punishable by law, but with "matters of a private nature and of less importance."[42] But it may not have been part of the antiquarian's purview to discuss such broad issues; certainly it does not seem to have been important within that of Gellius, for he is concerned rather more with practicalities and matters of detail. Thus he explains the origin of the *tabulae Caerites*, on which the censors entered the names of those disenfranchised *notae causa*. Note that Gellius is concerned with the *origin* of the procedure, not the procedure itself.[43] Elsewhere he exemplifies the procedure in his accounts of the reduction to the rank of *aerarius* (effectively disenfranchisement) of men who did not pay sufficient attention to the cultivation of their land, of those who made jokes in the censors' presence and those who yawned in court.[44]

Similarly there is remarkably little in the antiquarian tradition dealing with the taking of the census: most of our information on this comes from the annalistic tradition.[45] Varro has a short passage from some *censorii tabulae* which give the formulae for the preparations for the taking of the census and for the *inlicium*, or invitation to citizens to present themselves for the census.[46] In the *Noctes Atticae* there are, it is true, several hints at the procedures for the taking of the census, but in no way can Gellius be said to be discussing these procedures.[47] In addition four notes from Paulus' epitome of Festus belong here, one of which

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42 A. Adam, *Roman Antiquities: or an Account of the Manners and Customs of the Romans ... designed chiefly to illustrate the Latin Classics by explaining words and phrases, from the rites and customs to which they refer* (12th ed. revised by J.R. Major, London, 1835), 118. These matters, however, were clearly not of less importance to the censors: cf. Gellius' note (*NA* 6.22.3) that "Cato ... obicit hanc rem criminosius". On the jurisdiction of the censors see Suolahti *op. cit.* 67-73; *StR* 2.461-468.

43 *NA* 16.13.7. Cf. Strabo 5.2.3. Paul., *Fest.* 58 *comedum* and *comedo* seem also to relate to censorial *notatio*: they may be terms for men suffering ignominy on account of luxury; cf. Strzelecki, *Verrianae*, 52f.

44 *NA* 4.12.1 (cf. Pliny, *NH* 18.3.11; Cic., *De Or.* 2.287); 4.20.2-10.

45 Cf. Suolahti, *op. cit.* 32-47 and *StR* 2.359-400. There is a little more on the *lectio senatus* in the antiquarian tradition, though interest seems to be centred more on the removal of senators from the senatorial list than on the procedures and general nature of the *lectio*.

46 *LL* 6.86. In Festus the *inlicium* is mentioned only as a general summons of the people to a *contio* (Paul., *Fest.* 113, 114 *inlicium vocare* and *inlicium*). Gellius also refers to *censorii libri* in passing at *NA* 2.10.1.

47 At *NA* 4.20.3-6 what seems to be a standard term in the declaration of one's property *ex animi sententia* to the censors is the basis for a joke (the same anecdote is also related by Cicero, *De Or.* 2.260); at 5.19.15-16 part of a quotation from a speech of Scipio "quam censor habuit ad populum *de moribus*" refers to the possibility of having one's declaration made by proxy; and at 6.11.9 a quotation from another speech of Scipio mentions the declaration of one's property at the census.

gives those names which came first in the census lists for reasons of good omen; another defines *censui censendo agri* and another explains the name *censor* as coming from the valuation of property *quantum illi censuerint*.[48] The latter is another example of the function of a magistracy being explained by the etymology of its name.

The *recognitio equitum equo publico* which took place in the Forum following the general census seems to have been of more interest.[49] Thus Gellius on three occasions refers to the punishment of *equites* who did not take sufficient care of their horses and in addition refers to the removal of the *equus publicus* from one Claudius Asellus by Scipio Africanus during the latter's censorship; and from Verrius Flaccus we learn that a censor was said *censionem facere* when he imposed a fine on an *eques*.[50] Similarly, Suetonius thrice mentions the emperors' inspection of the *equites*, sometimes as part of their censorship and sometimes separately, though this was one part of the censors' duties (together with some of the financial duties) which were transferred to the emperor at the beginning of the Principate. The emperor's role here, together with the importance of *equites* under the empire, provides one explanation of the apparent importance in the antiquarian tradition of the *recognitio equitum*:[51] it seems to have been the task (whether it was self chosen or otherwise we cannot tell) of the antiquarian scholars to establish a firm foundation on which the reforms of Augustus could be based, and if possible, it would seem, to seek out any useful precedents for them.

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48 Paul., *Fest.* 121 *lacus lucrinus*; 66 *duicensus*; 58 *censui censendo* and *censores* (on these cf. Cic., *Flacc.* 80, which suggests that Fest., 151 *manceps* also belongs in a discussion of censors: cf. also Strzelecki, *Verrianae*, 56 and A. Steinwenter, 'Manceps', *RE* 27, 987-997). Varro's etymology of *censor* should also be mentioned here (see below n.55).

49 Oddly Suolahti passes over this aspect of the censors' duties. P. Willems, *Le droit public romain depuis la fondation de Rome jusqu'à Justinien ou les Antiquités romaines envisagés au point de vue politique*[6] [Louvain & Paris, 1888], 274f. reconstructs the procedure relying on Livy and Valerius Maximus.

50 *NA* 4.12.2; 4.20.11; 6.22; Paul., *Fest.* 54 *censionem facere*. Gellius appears to have much of this information from Cato. *NA* 3.4 mentions the degradation of the tribune Claudius Asellus, but the main point of the article is the custom of shaving. The definition of *equestre aes* preserved by Paulus (*Fest.* p81) as that which is given to *equites* may also belong here.

51 *StR* 2.400; 3.494f. Note also Suet., *Aug.* 27.2 on the granting of the public horse and *Tib.* 41 which reports that after Tiberius had isolated himself on Capri *non decurias equitum umquam supplevit*. Cf. also Tac., *Hist.* 1.13 and 2.57 on the granting of equestrian status by Galba and Vitellius.

On only one occasion, however, does Suetonius refer to the punishment of an *eques*, and then he reports that Claudius in fact declined to punish the *iuvenis probri plenus* in question, leaving him rather to the hands of his father.[52] Apart from this one instance, Suetonius only mentions the censorial actions of Gaius, Claudius, and Domitian, restricting himself in other cases merely to recording that the emperors in question held the censorship or carried out a census; in the case of Augustus (as also of Claudius) noting that he restored the censorship after it had been for some time in abeyance, and in that of Julius Caesar, that he carried out the census *nec more nec loco solito*, which is the sort of thing that would upset adherents of the *mos maiorum*.[53] It is the recording of this breaking and renewal of precedent which may perhaps be characterised as antiquarian.

Varro's interests in the censors seem to concentrate more on the *lustrum*, the ceremonial purification of the city after the completion of the census: this is typical of the antiquarian focus on the more arcane elements of institutions.[54] But it is not to the exclusion of other matters. The etymology of the word *censor* is (of course) discussed[55] and there is a strange, and unusually long, fragment which mentions ten censorships with the names of the censors: it is in fact a list of ten consecutive *lustra* from 179 B.C. to 131 B.C., with brief notes on the actions of each pair of censors and any personal problems which would put their position as censors in doubt. Festus, who preserves this fragment, presents it without further comment as an example of the *religio praecipua* of censorial *maiestas*, though, as noted above, it suggests that Varro enumerated those who had held the censorship in the manner of epigraphic *Fasti*.[56]

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52 Suet., *Claud.* 16.1. Cf. *Aug.* 38.3 and *Gai.* 16.2.

53 Suet., *Gai.* 16.2; *Claud.* 16; *Dom.* 8.3; *Titus* 6.1; *Vesp.* 8.1; 9.2; *Aug.* 37; 40.2; *Jul.* 41.3.

54 *LL* 6.11; 6.86-87; 6.93 (mentioning also the right of the censors to summon and lead the army in connection with the *lustrum*); *RH* Bk. 20 frg. 12 Mirsch. The *lustrum* is also mentioned by Festus (p. 154 *minuitur*). Cf. *StR* 2.332-4, 352-4, 412f.

55 *LL* 5.81; *De Vita P.R.* frg. 69 Ripos.; *RH* Bk 20 frg. 11 Mirsch. On the last cf. Ranucci, *art. cit.* (n.14), *ad loc.* Cf. also Livy 4.8.7.

56 Fest., 285 *religionis praecipuae* (?). Verrius Flaccus was, of course, responsible for redaction of the *Fasti Praenestini*.

There is one further area of censorial competence which I have not yet mentioned: that described by Suolahti as 'the supervision of the State economy' and by Mommsen as the regulation of the *Gemeindehaushalt*.[57] Gellius has nothing to say on this, and the contribution of other antiquarians is markedly restricted, both in terms of quantity and breadth of coverage: most of our information comes from the annalistic tradition and Cicero. Varro mentions only the letting of the contract for the trumpeter who summons the *comitia curiata*; the elder Pliny and Plutarch both refer to the letting of contracts for the painting of the statue of Jupiter Capitolinus and for the feeding of the sacred geese as among the first acts of a censorship, while Festus preserves a note from Verrius Flaccus which informs us that the *locationes* (that is the letting of contracts) of the censors used to be called *venditiones*.[58] Pliny also explains the origin of the term *pascua*, used *in tabulis censoriis* for state revenues and Festus' definition of *manceps* may well belong here also.[59]

The censors' supervision of public property is made clear by Frontinus, but is mentioned also by the elder Pliny and in a fragment of Cassius Hemina's *De Censoribus*, about which work nothing else is known, both of whom refer to the clearing from public places of statues erected by private individuals.[60] On a similar subject, Suetonius briefly refers to Augustus' clearing from the banks of the Tiber of obstructions and overhanging buildings so as to reduce the danger of floods. We may compare Gellius' article on the letting of contracts for keeping rivers clear of obstructions to navigation, though by his time this duty had long since passed to the praetors.[61]

It almost defies belief that this is all that was ever written on the censors' financial competences. Rather these would seem to represent some of the more abstruse aspects of those competences: it cannot but be significant that again antiquarian writers seem to have concentrated on (or, perhaps, emphasised) the more arcane aspects. It is, however, worth reiterating that our knowledge of the

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57 Suolahti, *op. cit.* 57; *StR* 2.424. Both have discussions on the following pages.

58 *LL* 6.92; Pliny, *NH* 33.36.112; 10.26.51; Plut., *QR* 98 (cf. Cic., *Rosc. Am.* 20.56); Fest., 376 *venditiones*.

59 *NH* 18.3.11; Paul., *Fest.* 151 *manceps*.

60 Frontinus, *Aq.* 94f, 97; *NH* 34.6.30; Non., p.346.24-6M. Cf. *D.* 43.8.2.17 and *StR* 2.437f. On Hemina's *De Censoribus* see Schanz-Hosius §70.1.

61 Suet., *Aug.* 30.1; *NA* 11.17.

antiquarian tradition is incomplete and to a large extent relies upon the selection and distillation of information by later writers, none of whom, it would seem, sought to replace Varro's work with their own, but who apparently concentrated on selected items of interest to themselves and (presumably) to their readers. It can only be this selectiveness on the part of later antiquarians that has robbed us of the fuller, more general discussions which will have existed in Varro's work. Nevertheless it is noticeable that what Varro has to say on the censorship in the *De Lingua Latina* is of a markedly detailed nature.

4. PRAETORS

Given both Gellius' interest in the law and the role of the praetors in the legal system, it is surprising that he does not devote more space to this magistracy.[62] Yet a glance at the sources referred to in the relevant section of, for example, Mommsen's *Römisches Staatsrecht* shows that Gellius is typical of the antiquarian tradition, at least in the form in which it has reached us.[63] Presumably Varro discussed the praetorship at length in the *Res Humanae*; but we have no traces of that discussion, except for material possibly repeated thence in the *De Lingua Latina*.

To a large extent this is no doubt due to the changes in competence and jurisdiction which the praetorship underwent in the early principate and which are fairly comprehensively recorded by Suetonius, as well as by Dio and Tacitus.[64] But on the other hand the out-datedness of Varronian material would be unlikely to have prevented its being transmitted in the antiquarian tradition, though, as we shall see, the information on the praetorship which Gellius has from Varro is emphatically presented as being of contemporary utility. It remains striking that we hear nothing from the antiquarian tradition of the praetors' role in the *quaestiones perpetuae* of the late Republic, though we do learn from Varro's *De Lingua Latina* that the presiding magistrates of the *quaestiones* were known as *quaesitores*, which he seems to distinguish from the

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62 Cf., e.g., Cic., *Legg.* 3.3.8: "Iuris disceptator, qui privata iudicet iudicarive iubeat, praetor esto. Is iuris civilis custos esto." In his survey of the development of the Roman magistracies, the jurist Pomponius puts most emphasis on the praetorship (*D.* 1.2.2.27, 28, 32).

63 On the praetorship in general see *StR* 2.193-238 and Willems *op. cit.* (n.49), 264-269, 449-451.

64 On their period in charge of the treasury: Suet., *Aug.* 36; *Claud.* 24.2. On the creation of the *praetor fideicommissarius*: *Claud.* 23; cf. Justinian, *Inst.* 23.1. Cf. *StR* 2.225f.

quaestors: but the scope and nature of this work does not allow Varro to expand on this and discuss the magistrate presiding over the *quaestiones*.[65] Similarly, little notice is taken by the antiquarians of the the praetorian presidency of the centumviral court, which is mentioned by the younger Pliny: Suetonius does not mention this, only that Augustus placed the *decemviri stlitibus iudicandis* in charge of it. Mommsen suggested that the praetor's role here may have been instituted by Augustus, though this is far from certain. Firstly, the earliest mention of this *praetor hastarius* comes in an inscription, which may be dated to the latter part of Tiberius' reign. Secondly, it is clear from two glosses preserved by Paulus that Verrius Flaccus discussed the centumviral court: if Augustus did indeed place a praetor in charge of this court, then it is most surprising that we hear nothing of this, not least from the antiquarian tradition.[66]

There are nine articles in the *Noctes Atticae* in which Gellius mentions the praetorship, though on three occasions the mention is very much in passing. Thus the *verba sollemnia praetoris*, by which the date of the *Compitalia* would be announced, are mentioned principally for the example which they provide of the use of *dienoni* instead of *die nono*; and as a postscript to his discussion of the *flamen Dialis*, Gellius cites a clause from the *edictum perpetuum* in which the praetor declares that he will not force the *flamen Dialis* or a Vestal virgin to take an oath.[67] As I have mentioned, a praetorian edict also forms the focal point of an article which seeks to elucidate the meaning of the phrase "qui flumina retanda publice redempta habent", referring to the farming of contracts for keeping rivers clear of obstructions and the action to be taken should a contractor not fulfil the terms of the contract.[68] Elsewhere Gellius cites from the Twelve Tables to explain the legal expression *manum consere* and notes that the procedure of *correptio manus* took place in the presence of the praetor: the origin of the term is discussed by Varro.[69]

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65 *LL* 5.81. Cf. also Lydus, *Magg.* 1.25; Serv., *Aen.* 6.432: "quaesitores autem sunt, qui exercendis quaestionibus praesunt".

66 Pliny, *Epp.* 5.9.5; Suet., *Aug.* 36; *StR* 2.225 n.4. For the dating of *ILS* 950 cf. Pliny *NH* 14.28.144) and A.N. Sherwin-White, *The Letters of Pliny. A Historical and Social Commentary* (Oxford, 1966) *ad loc.* (pp. 336f.). Paul., *Fest.* 54, 64 *centumviralia iudicia.*

67 *NA* 10.24.3; 10.15.31. At 14.2.1 Gellius happens to mention that his appointment as *iudex* was by the praetors.

68 *NA* 11.17. Verrius Flaccus also tackled the meaning of *retanda* (Fest., 273 *s.v.*), but note that the words commonly supplied to fill the lacuna are from this article of Gellius.

69 *NA* 20.10.7-9; *LL* 6.64.

Individually these mentions of the role of the praetor seem insignificant, but when taken together the common thread of an interest in the powers and jurisdiction of the magistracies becomes apparent. Thus Gellius turns to Varro to answer the question, whether a praetor had the right to summon a quaestor to appear before him. But it is noteworthy that this information is provided by the section of the twenty-first book of the *Res Humanae* not on praetors, but as we have seen by those on aediles and quaestors.[70]

Similarly, most of the notes on the praetorship which have reached us from the antiquarian tradition seem at first glance to be all rather miscellaneous in character; on reflection, however, there is a clear emphasis on the powers and duties of this magistracy. Even Varro's discussions of the origin of the name in the *De Lingua Latina* and the *De vita populi Romani* can be seen in this light: the praetor is explained as "qui praeiret iure et exercitu". Again the *De Lingua Latina* might present merely a summary of Varro's more wide-ranging researches, which found expression in the *Antiquitates*: in the former Varro presents a series of etymologies of the names of the Roman magistracies. Surely, in the *Antiquitates*, these etymologies formed a starting point for a fuller discussion of the nature, powers and duties of the magistracies, while in the *De Lingua Latina* it is only the explanation of their names which was relevant? Hence Varro does not here clarify his explanation (that the praetor 'headed' the law and the army, which squares uneasily with his later note that the praetor is not empowered to summon the army), by noting that *praetor* was originally used for *consul*, the etymology of which he has just presented. It is interesting that in his proposed laws, Cicero also has (retains?) precisely the same lack of distinction, for, after setting out the duties of several minor magistrates, of the aediles and the censors, he turns to 'the guardian of the civil law', the praetor, and then continues to lay down that there should be two magistrates with regal powers, "iique praeeundo, iudicando, consulendo praetores, iudices, consules appellamino".[71]

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70 *NA* 13.12; 13.13. Also from Varro comes the information that the praetor is empowered to summon the senate and to issue *senatusconsulta* (*NA* 14.7.4).

71 *LL* 5.80; 5.87; *De Vita P.R.* frg. 68 Rip. (=Non., p.24, 1M), *LL* 6.93; Cic., *Legg.* 3.3.8. The 'consular praetor' may have been known as the *praetor maximus* or *maior* and the praetor(s) proper as the *praetor(es) minor(es)*: cf. Fest., 161 *maximum praetorem* and Paul., *Fest.* 136 *maior magistratus.*

Elsewhere in the *De Lingua Latina* we find a few further notes on the praetorship, which again would seem to be survivals from a larger discussion of the powers and duties of the magistracy: thus Varro mentions that the praetor announces the end of the day's business in the *Comitium*, with which should probably be connected the note that he has an *accensus* to announce the time in public, and that the praetor may not perform his judicial functions on *dies nefasti*. It is interesting that in the last case, although he is discussing the terminology of the calendar, Varro allows himself to digress briefly on the options open to a praetor, should he happen to pronounce judgement on a *dies nefastus*, and the implications for those affected by such a judgement.[72] From Verrius Flaccus we have two explanations of *dies fasti* and *nefasti* : both are the same as that of Varro, though in the first Paulus' editing has removed any mention of the praetor that may have existed, and in the second any such mention is lost in a lacuna: Müller's conjecture includes a reference to the praetor, Lindsay's does not; either could be correct.[73] Varro also refers to part of the rites surrounding the urban praetor's annual public sacrifice to Hercules. This sacrifice is also mentioned by Macrobius, who in addition notes that the praetors (and/or the consuls) were responsible for fixing the dates of the *feriae imperativae*. Here we encounter the apparent preoccupation of the antiquarian scholars with *feriae* and more particularly games, for the praetor's involvement in this area reappears a number of times. Thus Macrobius also reproduces the passage of Gellius concerning the announcement of the *Compitalia* by the praetor, and elsewhere incidentally refers to the praetors when discussing the institution of the *ludi Apollinares*.[74] Similarly, Festus mentions that the *ludi piscatorii* were the responsibility of the *praetor urbanus*, and Suetonius records that Claudius had the praetors declare *feriae* whenever there was an earth tremor in Rome, and that in Galba's praetorship tightrope-walking (?) elephants were presented at Rome for the first time during the *Floralia*.[75]

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72 *LL* 6.5; 6.89; 6.30; cf. 6.29. Cf. Ovid, *Fasti* 1.47-52 and Macrob., *Sat.* 1.16.14.

73 Paul., *Fest.* 93 *fastis*; Fest., 165 *nefasti dies* (=*Gloss. Lat.* 4.283).

74 *LL* 6.54; *Sat.* 3.12.2 (Macrobius in turn refers to Varro's satire Περὶ κεραυνοῦ); 1.16.6. *Sat.* 1.4.27 = *NA* 10.24.3; 1.17.28.

75 Festus, 238 *piscatorii ludi*; Suet., *Claud.* 22; *Galba* 6. The acrobatic elephants also appear at Suet., *Nero* 11; Pliny, *NH* 8.2; Dio 61.17 and Seneca, *Epp.* 85.41.

These notes on the praetors' involvement in *feriae* and games are notable in that they retail more general duties of the praetors; perhaps this is because these notes are concerned more with *feriae* and games than they are with the praetorship. It would seem symptomatic of the antiquarian tradition that wherever else we come across the duties of the praetors, the discussion is of some particular detail, and often of the more abstruse duties, or so it would now seem. This is to an extent applicable to some of Varro's information mentioned above, but becomes clear in the remnants of Verrius Flaccus' *De Verborum Significatu*. Thus, as we have seen, there is some slight indication that Verrius' source dealt with the praetor's *interdictum uti possidetis*, this being reflected in Festus' explanation of *possessiones*, and also from Verrius we have some of the ceremonial, involving the praetor, associated with the departure of propraetors and proconsuls for their provinces. Similarly, Macrobius mentions the sacrifice at Lavinium to the Penates and Vesta, performed by praetors upon entering office.[76] Even if these considerations of detailed points originally came from more general discussions of the praetorship, it is significant that in the main what survives are detailed extracts.

Another note preserved by Festus may perhaps be related to a more general discussion, though the emphasis may originally have been on the jurisdiction of the praetors: what we have is a reference to the creation of a second praetor in 242 B.C. and the consequent division of responsibilities between a *praetor qui inter cives ius dicit* and a *praetor qui inter peregrinos ius dicit*. It may well only be the accident of transmission that we do not have other notes from the antiquarian tradition concerning the several increases in the numbers of praetors, which are systematically recorded only by Pomponius in his *Enchiridium*; though he must have had this information from somewhere (and it is not a presumption easily made that Pomponius had read through, say, Livy's history and had extracted his information from such a source); most likely is that this material came from an already existing history of the magistracies.[77]

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76 Fest., 241 *possessiones* (cf. above n.7); 241 *praetor*; 173 *nuncupata pecunia*; Macrob., *Sat.* 3.4.11.

77 Fest., 234 *praetor*; (the *praetor qui inter cives ius dicit* also appears briefly 347 *sacramentum*); *D.* 1.2.2.32. Cf. *StR* 2.196f.

Given the typical antiquarian focus on particular details, especially the more obscure, peculiar or arcane aspects of their subjects, rather than repeating (presumably) more generally known information, it is not particularly surprising that there is no general discussion in the antiquarian tradition of the *officium praetoris*. It is worth comparing the four entries in the *Digest* under the heading *de officio praetorum*, which also do not cover the subject in a general fashion and are hardly comprehensive.[78]

As a result of this focus on particular details, in discussing the hierarchy of magistracies (and naturally mentioning the position of the praetorship therein), Gellius does so from the particular viewpoint of their *auspicia*.[79] This viewpoint may be seen merely as representing an appropriately (to Gellius' antiquarian method) arcane framework for the explanation of the distinction between *magistratus minores* and *magistratus maiores*. On the other hand one might suggest that it was the only, or at least the best, approach to the subject, for the distinction does indeed seem to have rested on the magistrates' *auspicia* and the college of augurs was involved in defining the distinction between *praetores maiores et minores*. Gellius' approach - using the *De Auspiciis* of Messala - would also seem not entirely unprecedented: Festus' epitome of Verrius Flaccus has the same information (in an abbreviated form) from the same source, though it should be pointed out that the reconstruction of Festus' words is based on Gellius.[80] But much of the surrounding material in Festus relates to augury and may well also have come from Messala:[81] it is probable that Gellius was using Verrius here, as he does explicitly elsewhere.[82]

Elsewhere Verrius Flaccus, in order to clarify the doubt surrounding the question whether the *praetor maximus* was the one with the greatest *imperium* or the one of greater age, adduces a decision of the college of augurs that in the *augurium Salutis* the distinction between *praetores maiores et minores* is based

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78 *D.* 1.14. §3 does, by means of an *exemplum*, raise the question of whether a candidate for the praetorship need be a free man, but this hardly constitutes a discussion of the qualifications required for the praetorship.

79 *NA* 13.15; 13.16.

80 Fest., 157 *minora*. Cf. Müller's note *ad loc*.

81 As explicitly does, for example, the explanation of *Marspedis* p. 161.

82 E.g. *NA* 5.17 and 5.18.

not on age but on their *vis imperii*.[83] The question seems at one time to have had some currency, for in what remains of the *De Verborum Significatu* Festus returns twice to greater and lesser magistracies and an ancient inscription referred to by Cincius mentioned the *praetor maximus*.[84] Gellius also notes, however, that the praetor should be regarded as the colleague of the consul since they both had the same rank of auspices and were both created under the same auspices.[85] Having established this, Gellius then confuses the matter - or rather shows whence the evident confusion on this subject came - by quoting from the *Commentarii* of Gaius Tuditanus to show that the praetor has *minus imperium*, while the consul has *maius imperium* and hence that the praetor may not preside at an election of the consuls, although the reverse was allowed.[86]

In the next article Gellius/Messalla enlarges on this to note that while a consul may summon the people away from *comitia* or *contiones* to which they have been called by any other magistrate, the praetor may only do so when the people have been assembled by the *minores magistratus*, that is those who are below him in the hierarchy, not when they have been assembled by the consul.[87] But for Gellius this is not the point of this second passage from Messala, from which he extracts the conclusion that *cum populo agere* and *contionem habere* were different things.

5. QUAESTORS

The early history of the quaestorship is surrounded by great obscurity: furthermore it is quite remarkable that this obscurity seems to have been as impenetrable for the Roman historians and scholars as it is today (assuming that

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83 Fest., 161 *praetor maximus*. Mommsen (*StR* 2.75) saw the *praetor maior* as an early appellation of the consul, while the *praetor minor* was that of the praetor proper.

84 Fest., 161 *maiorem consulem* where he also notes that the *praetor maior* was the *praetor Urbanus* (cf. Appian, *BC* 2.112) and p.136 where, unfortunately extant only in Paulus' epitome, the *maior magistratus* is identified with the consul. Cincius: Livy 7.3.5; cf. J. Heurgon, 'L. Cincius et la loi du *clavus annalis*', *Athenaeum* 42 (1964), 432-437.

85 *NA* 13.15.4, 6. Cf. Livy 3.55.11; Cic., *Att.* 9.9.3; Pliny, *Pan.* 77.

86 *NA* 13.15.4. He then goes on to note that the *minores magistratus* are elected by the *comitia tributa*, but only receive their full powers by a *lex curiata*, while the *maiores magistratus* are elected - Gellius/Tuditanus implies with full powers - by the *comitia centuriata*.

87 *NA* 13.16. The censors, who also ranked as *maiores magistratus* according to the previous article, are not mentioned here.

they ever bothered to investigate the subject, but we do know that there was a section in the *Res Humanae* on the quaestorship). As Mommsen noted, it is apparent that "in der älteren und besseren Überlieferung es über die Entstehung der Quästur gänzlich an Angaben gefehlt hat."[88] In the annalistic tradition the quaestorship first appears in 484 B.C. in connection with the trial of Spurius Cassius and it is interesting that it is precisely at this point that the quaestorship is introduced for the first time in Cicero's *De Re Publica*.[89] Cicero, as we have seen, used Varro's researches when compiling this work: so are we to presume that Varro too either passed over the institution of the praetorship or could reach no firm decision about it? But unfortunately Cicero's account of events following the expulsion of the kings and the creation of the consulship is missing and the quaestorship may have been introduced here.[90] This would certainly accord with Dio's narrative, who has the first quaestors created as financial officials at the instigation of Publius Valerius Publicola, and with Pomponius, who circumvents the issue but places their creation between that of the plebeian magistrates and that of the decemvirate.[91]

It is impossible now to discern what Varro may have said in the *Res Humanae* about the creation of the quaestorship, for as chance would have it, there is another lacuna at precisely that point in Cicero's *De Re Publica* where this might have been mentioned, had Varro and/or Cicero been following the only other tradition about the origin of the quaestorship known to us.[92] This tradition, which placed the origin of the quaestorship at some stage under the kings and, according to Ulpian, definitely under Tullus Hostilius, is known to us from an antiquarian digression of Tacitus on the quaestorship and from a fragment of the seventh book of the *De Potestatibus* of M. Junius Gracchanus preserved by Ulpian in his *Liber Singularis de Officio Quaestoris*, an extract from which

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88 *StR* 2.523. The chapter on the quaestorship continues to p. 573.

89 Livy 2.41.11; Cic., *Rep.* 2.35.60. Dionysius of Halicarnassus, however, does mention quaestors several times in the years between 506 B.C. and 484 B.C., but in singularly unimportant circumstances: cf. *StR* 2.523f. Mommsen (*ibid.*) demonstrates the probability that Livy found the quaestorship first mentioned in his sources at the trial of Cassius.

90 The lacuna is substantial between 2.30.52 and 2.31.53, that is between the expulsion of Tarquinius Superbus and the legislation passed by the *comitia centuriata* at the instigation of P. Valerius Publicola.

91 Zonaras 7.13; cf. Plut., *Public.* 12.3; Pomp., *D.* 1.2.2.22f.

92 Between 2.17.31 and 2.18.33, where the reign of Tullus Hostilius will have been discussed.

forms the only entry under the *Digest* heading *De officio quaestoris*. (Gracchanus was one of the earliest known writers on the Roman 'constitution': the tradition was thus one long established.) Tacitus shows merely that there were quaestors *regibus etiamtum imperantibus* without committing himself to any particular reign or date, while Gracchanus asserts that Romulus and Numa had quaestors. Interestingly, Ulpian adds that he finds this rather doubtful, since the *crebrior apud veteres opinio* was that quaestors were first introduced by Tullus Hostilius. It is intriguing who these particular *veteres* might have been. Festus gives a clue as to the origin of the idea that the quaestorship had existed under Numa, for when explaining *quaestores parricidii* he shows that the earliest Romans understood parricide to refer to any murder and adduces a law of Numa in support of his argument.[93]

Given this ignorance and/or confusion among our sources, it comes as no surprise to find that quaestors have a rather unimportant place in the antiquarian tradition as it has reached us. Gellius' two articles on the rights of arrest and summons no doubt reflect the content of only a small portion of the relevant sections of the twenty-first book of the *Res Humanae*: they represent, however, the most important articles in the *Noctes Atticae* on the quaestorship. Elsewhere, Gellius shows no sign of interest in the local quaestors of Teanum Sidicinum and Ferentinum, when they are mentioned in a passage which he cites from a speech *De legibus promulgandis* of Gaius Gracchus.[94] Gellius is here, admittedly, comparing passages from the speeches of Gaius Gracchus, Cicero and Cato; but elsewhere any rules about the unity of theme do not prevent Gellius picking up on something which he finds interesting, or thinks that his readers would or should so find.

In a fourth article comes a comment which is apparently more closely related to the information which is preserved elsewhere: at the end of a long discussion of the word *manubiae*, Gellius (through the mouth of Favorinus) concludes that *manubiae* refers to the money collected by the quaestor from the sale of booty. This explanation has evidently been transcribed from some older source, for

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93 Tac., *Ann.* 11.22.4 (cf. R. Syme, *Tacitus* [Oxford, 1958], 397); *D.* 1.13 pr. Lydus *Magg.* 1.24, 28 has the same information, perhaps from the *Digest*. Paul., *Fest.* 221.

94 *NA* 13.12; 13.13; 10.3.3.

Gellius/Favorinus then explains that his reference to a quaestor is in fact wrong, since the *cura aerarii* had been transferred from quaestors to prefects.[95] The history of the control of the treasury is not uncomplicated and hence it is not surprising that whatever source Gellius had been using, the explanation given there would probably need further clarification, or that if that clarification were contained in Gellius' source, then it should be repeated in the *Noctes Atticae*. If we take this addition as being Gellius' own, then we can see again the way in which Gellius does not blindly reproduce material from his source(s), but is concerned to ensure the accuracy of the information which he presents: in any case, it is worth noting that somebody did this. We should also note again that at the basis of the presence of this information in the antiquarian tradition we may detect the hand of Augustus: here not directly involved with the main subject of Gellius' article, but touching only the incidental information. Suetonius documents the various changes made in the control of the treasury during the early principate from Augustus onwards:[96] and it is notable that it is the financial responsibilities of the quaestors which appear as their primary function in the accounts of Pomponius and Tacitus.[97]

On the other hand, Dio puts their role in the criminal law in first place and in what survives of Festus' reworking of Verrius Flaccus' *De Verborum Significatu* the jurisdictional role of the quaestors is the only one mentioned.[98] In favour of Dio's view is, as Mommsen noted, the etymology of *quaestor*, and Festus' omission of the financial quaestors seems anomalous;[99] and it cannot be explained by the removal of the *cura aerarii* from the quaestors in the first century A.D., since the jurisdictional competence seems to have been lost somewhat earlier (perhaps at the time of the establishment of the *quaestiones*

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95 *NA* 13.25, esp. §§ 26, 28-30. Note also §25: "ut in libris rerum verborumque veterum scriptum est". At 4.18.9-10 Gellius refers without comment to the depositing in the *aerarium* of the accounts of provincial governors. For the quaestors' being in charge of the sale of booty, cf. Hyginus gromaticus, *De condicionibus agrorum* p.78, 18-20 Thulin and Siculus Flaccus, *De condicionibus agrorum* p.100, 7-13; pp.116-118 Thulin.

96 Suet., *Aug.* 36; *Claud.* 24.2. Tacitus digresses briefly on this subject: *Ann.* 13.29.

97 *D.* 1.2.2.22; *Ann.* 11.22.4.

98 Zonaras 7.13; Fest., 258 *quaestores*; Paul., *Fest.* 221 *parrici*[*di*] *quaestores*.

99 *StR* 2.554. The same etymology (from *quaerere*) was reiterated by Junius Gracchanus, the jurist C. Trebatius Testa and Fenestella (all cited by Ulpian *D.* 1.13.1), Varro (*LL* 5.81) and Dio (Zonaras 7.13) and is assumed by Pomponius and Festus.

perpetuae in the first century B.C.). It is interesting that Varro (who is admittedly explaining only the etymology) does not make this distinction and simply refers to them as those "qui conquirerent publicas pecunias et maleficia".[100]

6. TRIBUNES OF THE PLEBS[101]

Varro would presumably have had much to say on the tribunate: in addition to the particular nature of the office, especially its sacrosanctity (which attracted antiquarian interest), we should bear in mind Varro's political links with Pompey and that tribunician power had been restored in 70 B.C. by the consuls Pompey and Crassus. We know that Pompey, on his appointment as consul, had turned to Varro for information about the senate and it must be possible that there was a similar consultation regarding the tribunate. It may also be significant that Cicero has a ready defence for the restoration of the pre-Sullan rights of tribunes.[102] But with the exception of a brief note in the *De Lingua Latina* on the origin of the tribunate of the plebs, which is effectively only an explanation of the name, Gellius preserves in four articles all that has survived of Varro's researches into the tribunate.[103] In one of these, however, the reference to the tribunes of the plebs not being allowed to be absent from Rome for a full day is used merely as one example of the *multa argumenta* supporting Varro's statement in the book *de diebus* of the *Res Humanae*, that at Rome the day was reckoned as lasting from midnight to midnight: there is (here) no mention of the

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100 *LL* 5.81. It is only Pomponius who makes a distinction between financial and judicial quaestors (i.e. *quaestores aerarii* and *parricidii*).

101 *StR* 2.272-330; Willems, *op. cit.* (n.49), 279-285, 451f. More recently there is L. Thommen, *Das Volkstribunat der späten Römischen Republik* (Stuttgart, 1989) where there is a full bibliography of the modern literature on the tribunes of the plebs.

102 Cf. Suet., *Jul.* 5; Cic., *Legg.* 3.9.22 (defended: 3.10.23 - 11.26). On the restoration of the tribunate see, e.g., Cic., *Div. in Caec.* 8; *Verr.* 1.41-46; 2.5.175; *Leg. Agr.* 2.36; Dio 36.38.2; Tacitus, *Ann.* 3.27; Plut., *Pomp.* 22.3.

103 *LL* 5.81. According to Varro they were first created *ex tribunis militum* following a secession. Gellius and Cicero also note the creation of the first tribunes of the plebs following the secession of 494B.C.: *NA* 17.21.10; *Rep.* 2.33.58. Cf. also Livy 2.32 and 3.54f.

reasons for this right being denied to the tribunes.[104] Gellius implicitly represents this as being his own contribution to support Varro's argument and he gives the same impression in another article, in which he apparently gives his own reflections on the matter in question and attempts to explain why the tribunes of the plebs did not have the *ius vocationis*, given that they had a *summa coercendi potestas*.[105] Gellius suggests that the reason for this may lie in that of their original creation: "they seem to have been created not to administer justice (*ius dicere*) or to oversee lawsuits and disputes when the parties were not present, but to intercede [that is to use their right of veto] whenever there was an immediate need, in order to prevent *iniuria* being committed in their presence". And this, he explains, also accounts for the removal of the *ius abnoctandi* since their constant presence was required.

It is interesting to see Gellius' presumption (here contradicted) of the jurisdictional basis of all magistracies, but what seems odd here is the absence of any explicit mention of the fundamental element, "der eigentliche Ausgangspunkt" of the tribunes' powers, the *ius auxilii ferendi*, which is indeed the starting point for Dio's digression on the tribunate and their first role for Cicero in the *De Legibus*: in the discussion of Cicero's laws this is the only role which his brother Quintus would have them fill.[106] In the *De Re Publica*, however, Cicero, though connecting their establishment with the debt problem, sees the tribunes as the counterpart of the Spartan ephors and Cretan *cosmoi*: 'these were created in opposition to the power of the kings, just as the tribunes of the plebs were in opposition to consular *imperium*.' He goes on to say, however, that two tribunes of the plebs were created "ut potentia senatus atque auctoritas minueretur".[107] Although these different views as to the principal function of the tribunate are not mutually exclusive, they do point to a degree of uncertainty regarding the origins of the office and why it was created. Asconius,

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104 *NA* 3.2.11. This information is reproduced (from the *Noctes Atticae*) in the same context by Macrobius, *Sat.* 1.3.8. Pliny also discusses the division of the day at *NH* 2.79.188.

105 *NA* 13.12. In both instances the information may well have come from Varro.

106 *StR* 2.291. Zonaras 7.15; Cic., *Legg.* 3.3.9; 3.9.22. Cf. Suet., *Jul.* 23 and Thommen, *op. cit.* 283-341.

107 Cic., *Rep.* 2.33.58; 2.34.59. Cicero seems at pains to stress that the power and *auctoritas* of the senate remained great on account of the great wisdom, courage and public service of the senators.

in his commentary on Cicero's *Pro Cornelio* (in which Cicero seems to have talked in general terms of the tribunate), documents some of the various views on the origins of the tribunate, particularly regarding the original number of tribunes and he names as his sources Livy, Atticus and C. Sempronius Tuditanus. Presumably the work of Tuditanus used by Asconius was his *Libri Magistratuum*, although Peter includes this fragment among the those of his *Annales*.[108]

It is perhaps also worthy of remark that we hear little from the antiquarians of the role of the tribunes in the *concilium plebis* and in the passing of *plebisscita*. Gellius cites from the commentary *Ad Q. Mucium* written by the jurist Laelius Felix the fact that tribunes do not summon the patricians or put measures before them and that laws proposed by the tribunes which are accepted are not *leges* but *plebisscita*, though without mentioning the *concilium plebis* explicitly. Similarly, Festus makes no mention of the *concilium plebis* when he explains that *scita plebei* are those passed by the plebs, without the involvement of the patricians, at the instigation of the plebeian magistrates and elsewhere he seems (again the text is badly damaged) to distinguish these from decrees of the people, possibly repeating that *plebisscita* were passed *sine patriciis*, following proposals made by at least the tribunes (aediles may also have been mentioned in a lacuna which follows the mention of tribunes). While Cicero puts the tribunes' *ius auxilii ferendi* first in the *De Legibus*, he also allows them to pass binding resolutions.[109]

Festus records the *ius auxilii ferendi* as the original function of the tribunes, though it is their sacrosanctity which is to the fore under three *lemmata*: he defines sacrosanctity and shows that both the tribunes and the aediles of the plebs were sacrosanct. Dio's digression on the origins of the tribunate seems for the most part to be based on the annalistic tradition, but includes several probably antiquarian details (for instance, the origin of the name and their sacrosanctity). Plutarch, on the other hand, in the *Quaestiones Romanae* follows

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108 Asconius, *in Cornelianam* pp. 76f.C. Cf. *HRR* frg. 4. On the problems regarding the establishment of the tribunate cf. R.T. Ridley, 'Notes on the Establishment of the Tribunate of the Plebs', *Latomus* 27 (1968), 535-554 and R. Urban, 'Zur Entstehung des Volkstribunates', *Historia* 22 (1973), 761-764.

109 Fest., 293 *scita plebei*; 330 *scitum populi*; Cic., *Legg.* 3.3.9.

a distinctly more antiquarian approach: the particular question is that of why the tribunes do not wear the *toga praetexta*; the answer concentrates on the insignia of office to show the anomalous position of the tribunes among the Roman magistracies and on the importance of the people's constant access to the tribunes.[110] There is unfortunately no indication of Plutarch's source(s) here: the information clearly comes from the antiquarian rather than the annalistic tradition, but both the approach in general and the details in particular are unknown in any of our other sources. It is Plutarch alone, for example, who tells us that it was the custom for the door to a tribune's house to remain open throughout the day and night.

It is impossible to say whether this varied information on the tribunate was all contained in the tradition, or rather represents the varied results of the researches of various antiquarians. Again a possible stimulus for these researches is not difficult to find, for we know that not only had the tribunate been suppressed and then restored in the first quarter of the first century B.C., but also that in 36 B.C. Augustus had assumed tribunician *sacrosanctitas*: it is surely not insignificant that Festus, as we have seen, preserves three notes on tribunician sacrosanctity from the work of Verrius Flaccus, who was responsible for the education of Augustus' grandchildren.[111]

Gellius uses Varro twice to show that tribunes could summon the senate, although they were not senators until the passing of the *plebisscitum Atinium* (in 197 B.C.), and had the right to issue *senatusconsulta*, in the second case noting that the jurist Ateius Capito agreed with Varro and Tubero on this point.[112] Gellius' other notes come from the *exempla* tradition and seem firmly rooted in it. Yet these *exempla* are used apparently with the direct aim of further elucidating the powers and competence of the tribunes, particularly in response to *provocatio*. Thus from the *Exempla* (presumably those of Cornelius Nepos)

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110 Fest., 318 *sacer & sacrosanctum*. Cf. also *ibid.*, *sacratae leges* and F. Altheim, *Lex sacrata. Die Anfänge der plebeischen Organisation* (Amsterdam, 1940); Cicero (*Legg.* 3.3.9) also makes the tribunes inviolable. With Dio (Zonaras 7.15) compare the accounts of Livy (3.55) and Dionysius of Halicarnassus (*Ant. Rom.* 6.89). *QR* 81.

111 Dio 49.15.5 *contra* Appian, *BC* 5.132. Julius Caesar had been given tribunician sacrosanctity in 44 B.C. H. Last, 'On the *tribunicia potestas* of Augustus', *Rendiconti Istituto Lombardo, Classe di Lettere e Scienze Morali e Storiche* 84 (1951), 93-110 provides a guide to the complicated and disputed history of Augustus' tribunician power.

112 *NA* 14.7.4; 14.8.2.

Gellius reproduces the story of a tribune fining L. Scipio Asiaticus and demanding that he give security for the payment of that fine: on behalf of his brother, Scipio Africanus appealed to the college of tribunes against this action. Gellius then cites the tribunician decree in which the college gave its decision. As Mommsen saw, this decree (and indeed the entire article) relates specifically to the powers of the tribunes to impose fines and the procedures which they should follow: there is here, therefore, a clear link with the several articles in the *Noctes Atticae* on court procedure and the conduct of a judge.[113] A connection with the law is also apparent in at least the source of another article: here Gellius reproduces, from the ninth book (*De Iudiciis Publicis*) of Ateius Capito's *Coniectanea*, a tribunician decree which struck him as being filled with *gravitas antiqua*. This, he claims, is why he has remembered it, but the brief story related would seem to be as much a case history exemplifying *provocatio ad tribunos plebi* and tribunician *auxilii latio*. According to the *lemma* of another article a speech of Q. Metellus Numidicus *adversus C. Manlium, tribunum plebis* is cited by Gellius again for the attention which it draws to the need for *gravitas* and *dignitas* in life. Here, however, it is indeed this aspect which is to the fore; it is only to explain the circumstances of the speech that Gellius adds that Manlius had attacked Metellus in a speech *in contione*. Similarly, when Gellius mentions the prosecution by a tribune of the plebs of Scipio Africanus, who as censor had removed the tribune's *equus publicus*, it is for the evidence that Scipio's conduct as an accused person provides concerning the custom of shaving in the Republic. Whether there was any deeper interest on Gellius' part in this instance of a tribune challenging a censor cannot be discerned, although this case is also referred to in two lines of Lucilius which Gellius cites at the start of a discussion of the metrical quantity of certain particles.[114]

7. AEDILES[115]

Much of what I have said with regard to the praetorship is applicable also to the office of aedile, in particular the obscurity of the early history and original competences of the aediles and the miscellany of surviving antiquarian notes on

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113 *NA* 6.19. Cf. *StR* 2.283 n.6.
114 *NA* 4.14; 7.11 (L), 2; 3.4; 4.17.1.
115 *StR* 2.470-522; Willems, *op. cit.* (n.49), 285-288, 451.

the magistracy. As with the praetorship, the competences and indeed the nature of the aedileship, as Mommsen noted, changed over the years and it is to a considerable extent the later aedileship which we find in our sources, often even without distinction between curule and plebeian aediles.[116] In contrast to the praetorship these changes both occurred at a rather earlier time and were more fundamental, although the aedileship continued to be altered in later times, the changes in competence in the early Principate being documented by (among others) Suetonius.[117] Here we have yet another example of the way in which Roman antiquarianism seems to have directed much of its energies into the explanation and justification of the contemporary state of affairs.

Gellius is one of a small number of writers who refer to the original creation of the plebeian aediles following the first secession of the plebs in 494 B.C.: most sources, however, merely report that they were created at the same time as the tribunes or consequent upon the latter's creation.[118] The fullest account comes from Dionysius of Halicarnassus who sees them as originally being assistants of the tribunes.[119] In contrast, Livy passes over the creation of the aediles entirely and mentions them first in 463 B.C., with the clearly anachronistic duties of the *cura vigiliarum*.[120] Dionysius notes that their importance grew and they were later given the name of aediles, which he derives from their supervision of temples. This etymology occurs several times in the Latin antiquarian tradition and is used to explain their original function as curators of buildings: both Varro and Verrius Flaccus speak specifically of the *cura* of sacred and private buildings, and the mention of private buildings would seem to allay Mommsen's doubts about the correctness of this etymology on the grounds that a magistrate of the plebs could not originally have been entrusted

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116 *StR*. 2.470: "Keine römische Magistratur hat in gleichem Grade wie die Aedilität ihre aufängliche Geltung späterhin verändert, und bei keiner liegt daher die ursprüngliche Bedeutung so im Dunkel wie bei ihr."

117 E.g. *Tib*. 34; *Claud*. 38; *Aug*. 30.

118 *NA* 17.21.10. Cf. Pomponius, *D*. 1.2.2.21; Fest., 230; Paul., *Fest*. 231 both *s.v. plebeii aediles*.

119 Dion. Hal., *Ant. Rom*. 6.90; cf. *StR* 2.473f. Dionysius equates them with the Greek ἀγορανομοι (as does Dio *ap*. Zonaras 7.15), which is what Lydus calls them throughout (*Magg*. 1.35; 1.38; 1.48; 1.50).

120 Liv. 3.6.9. Cf. Ogilvie. *A Commentary on Livy Books 1-5*² (Oxford, 1970), *ad loc*. Lydus, (*Magg*. 1.50) does not connect the *vigiliae* with the aediles, but does make them an institution dating back to the Gallic attack on Rome in 390 B.C. Similarly, Pliny *NH* 18.3.15 probably anticipates later developments in aedilician competence.

with the supervision of the temples of the Roman state.[121] The alternative derivation given by Verrius Flaccus, "quod facilis ad eum plebi aditus esset," seems to have found little favour in other writers.

Of the aedilician competences it is their jurisdiction which seems most important for Gellius. Thus he quotes from the section *de mancipiis vendundis* of the edict of the curule aediles to show the rules laid down by the aediles for trade. There are relatively few other notes in the antiquarian tradition on the jurisdiction of the aediles, of which Mommsen identified eight separate areas: of these, one is mentioned by Gellius, though effectively only in the retailing of an *exemplum*, and a further two are mentioned in a similar manner by the elder Pliny.[122] But the responsibility of the aediles for the supervision of trade and the related *cura annonae* is mentioned on several occasions by the antiquarians as well as in the relevant section of the *Digest*; and similarly Pomponius and Suetonius also both mention the creation by Julius Caesar of two new plebeian *aediles Cereales*.[123]

Gellius also refers to the fining by the plebeian aediles of the daughter of Appius Claudius Caecus on account of her *verba tam inproba ac tam incivilia*: thus we return to the idea of the respect owed to magistrates. Gellius has this story from Ateius Capito's *De Iudiciis Publicis*, whence comes also the account of the prosecution of the prostitute Manilia by a curule aedile because she had thrown (or had allowed to be thrown) a stone at him.[124] The concept of the respect due to a curule aedile recurs in another *exemplum*, this time taken verbatim (because the story, itself *res memoratu digna*, was *perquam pure et venuste narrata*) from Piso's *Annales*.[125] This respect may be due partly to the

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121 Varro, *LL* 5.81; Paul., *Fest.* 13 *aedilis*; Pomponius, *D.* 1.2.2.21. Cf. also Lyd., *Magg.* 1.35. The fragment of Varro's *Eumenides* (frg. 134 Cèbe = frg. 150 Astbury) which seems to use *aedilis* in the sense of *aedituus* is not important here, for as Cèbe notes it is used merely as a synonym of the latter without any reference to any magistracy (J.-P. Cèbe, *Varron, Satires Ménippées. Edition, traduction et commentaire* 4 [Rome, 1977], 626). *StR* 2.479 n.3.

122 *NA* 4.2.1; *StR* 2.492ff; *NA* 4.14 (see below); *NH* 18.6.41; 33.1.19.

123 E.g. Suet., *Tib.* 34; *Claud.* 38.2; Pliny, *NH* 33.2.32; 18.3.15f.; *D.*21.1 (*de aedilicio edicto* ...); Pomp., *D.* 1.2.2.32; Suet., *Jul.* 52. On these new aediles cf. *StR* 2.481 n.1, 502-4.

124 *NA* 10.6.3 (The *ius multae dictionis* seems to have been one right which lasted into the Empire); *NA* 4.14.

125 *NA* 7.9.5f. This is prefaced (§§2-4) by another *exemplum* relating the election of the same aedile (Cn. Flavius) and the objections to his candidacy (cf. Livy 9.46). The elder Pliny shows a rather more antiquarian use of the tale of Cn. Flavius in that it appears at *NH* 33.6.17-20 primarily as evidence for the wearing of rings in the early Republic.

original sacrosanctity of the plebeian aediles (and partly of course to the respect owed to all magistrates). As with the tribunate, however, this seems not to interest Gellius: when he records Varro's judgement that an aedile may be summoned to court even by a private citizen - as we have seen this is all that remains of the section on the aediles in the *Res Humanae* - there is no mention that this must have entailed the loss of their inviolability. This is perhaps not surprising as, unlike the tribunes, the aediles lost their *sacrosanctitas* at an early stage and although he may well have mentioned it, for Varro also it was a long lost aspect of the aedileship.[126]

But in the Augustan period the issue of *sacrosanctitas* was being discussed, as we can see from Verrius Flaccus' explanations of *sacrosanctum* and related words as preserved by Festus, by which he shows that the aediles were sacrosanct; furthermore, we should compare Livy who digresses briefly to show that, in contrast to the tribunes, the aediles were not in his day sacrosanct. It is interesting that he cites the very fact that an aedile may be arrested and imprisoned as proof of this.[127] The reasons for such a discussion are not hard to find: as Ogilvie noted in his commentary on Livy, in 36 B.C. Augustus had assumed tribunician *sacrosanctitas* and "such innovations required justification."[128] This does not, of course, explain why Festus should preserve Verrius' discussions, even if only in part.[129]

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126 *NA* 13.13.4. The example given by Varro is of a curule aedile, but he frames the principle behind this in general terms. Cf. *StR* 2.486.

127 Fest., 318 *sacrosanctum, sacer* and *sacratae leges*; see also above pp.249f. and n.110; Livy 3.55.9. Suetonius mentions the prosecution of an aedile by the tribunes of the plebs at the instigation of Domitian (*Dom.* 8.2).

128 Ogilvie, *op. cit.* (n.120), *ad loc.* (p. 502f.). Ogilive also refers to "an essay on the concept of *sacer*" by C. Trebatius Testa, Cicero's protegé, dedicatee of the *Topica* and one of the jurists who advised Augustus (the only one named in Justinian's *Institutes* and referred to as "cuius tunc auctoritas maxima erat" [2.25 pr.]). But there is no evidence for such an essay, only the fragments of his *De Religionibus* preserved by Gellius (7.12.5) and Macrobius (*Sat.* 3.3.2-5) which deal with the definition of *sacellum, sacrum, profanum* and *sanctum*. On Trebatius' literary activity see A. Berger, 'Trebatius', *RE* Suppl. 7, 1619-1622.

129 Dio also explains the *sacrosanctitas* of the tribunes (Zonaras 7.15), though for him this seems to have been one manifestation of the problems created by the tribunate. He does not mention that the aediles also were originally sacrosanct.

In the *De Legibus* Cicero saw the aediles as *curatores urbis, annonae ludorumque solemnium* and refers in the *Verrines* and elsewhere to their responsibility for procuring and displaying at Rome works of art.[130] The antiquarians had little to say about these competences: Gellius mentions none of them, unless the jurisdiction of the aediles can be included here. This seems to have been concentrated on trade and commerce, and from Suetonius we hear that when Julius Caesar was aedile, he 'adorned' the Comitium, the Forum and the Capitol, and that the aediles were responsible for ensuring people were correctly dressed in the public streets and for the supervision of cookshops and brothels. While we can see in the first of these latter two responsibilites the frequent antiquarian preoccupation with costume, these are hardly notices of an antiquarian character. Festus refers to the establishment of seven *plebeiae tabernae* by the plebeian aediles M. Junius Brutus and Q. Oppius;[131] and Festus and Varro both refer to the construction of the *clivus Publicius* by plebeian aediles: these seem more likely to have come from a discussion of the topography and monuments of Rome than from one of the magistracies, though Festus, whose account is fuller than Varro's, seems to connect this with a responsibility for the provision and upkeep of suitable thoroughfares in Rome.[132] Besides a very passing mention by Macrobius, the role of the aediles in games and festivals seems to have been mentioned only by Verrius Flaccus:[133] this lack of interest might seem odd in view of the usual antiquarian fascination with the games, but it may perhaps be accounted for by Augustus' transferral of the *cura ludorum* to the praetors in 21 B.C.[134]

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130 *Legg.* 3.3.7; *Verr.* 2.1.49; 2.4.126; 2.4.133; *De Or.* 3.24.92; *Dom.* 43.111f. Cf. Rawson, *Intellectual Life*, 194. Vitruvius (2.8.9) refers to the exhibition at Rome of wall paintings from Sparta in the aedileship of Varro and Murena.

131 Suet., *Jul.* 10.1 (Suetonius implies that the inclusion of the Capitol among the public buildings 'adorned' by an aedile was unusual); *Aug.* 40; *Tib.* 35; *Claud.* 38; Fest., 230 *plebeias tabernas.*

132 Fest., 238 *Publicius Clivus*; Varro, *LL* 5.158. Cf. also Ovid, *Fasti* 5.287-294. Cf. *StR* 2.505-507 where strangely the evidence of Festus and Varro is not mentioned.

133 Macrob., *Sat.* 2.6.1; Fest., 158 *murrata potione* and 326 [?] *Thymelici* (=*Gloss. Lat* 4.418 *s.v. saltationes*). The latter is heavily mutilated: cf. Mommsen's reading of this passage (*StR* 2.482 n.2) and Reitzenstein, *Verrianische*, 100-104.

134 *StR* 2.237 n.1. On the aedilician *cura annonae* see above n. 123.

8. LESSER MAGISTRACIES AND OFFICIALS

These fall into three main categories, the major extraordinary magistrates such as the dictator, the *interrex* and the *decemviri legibus scribundis*, those of lesser importance, generally created *ad hoc*, and the assistants of magistrates. The latter two categories would be expected, by their very nature, to be less well attested in our sources. This is certainly true of the annalistic tradition and to an extent also of the antiquarian tradition, though the fondness of antiquarian scholars for the more arcane subjects means that they are represented in their works to an extent that perhaps belies their lesser importance.

a) The interrex[135]

Cicero, explaining the origin of the first interregnum, noted that this was an institution peculiar to Rome. One might have expected that this, combined with the uniqueness of the office in comparison with the other Roman magistracies, would make it a particularly congenial subject for antiquarian study.[136] But, subject to the usual caveats about the problems of the transmission, there are remarkably few notes on the interrex in the antiquarian tradition. Varro tells us only that the interrex may summon the senate and the army: and on both occasions the mention of the interrex comes merely within a list of other magistrates with the same powers. The information concerning the senate is all that Gellius has to say on the interrex: that the interrex is not mentioned by Pomponius in his survey of the magistracies is less surprising since the office had no jurisdiction attached to it and *interreges* were only appointed to hold consular elections when there were no consuls or a dictator.[137]

If this picture is a true one then the reason for this lack of interest must lie in the paradox of Roman antiquarianism: that while it sought out the arcane and recondite, there seems always to have been a utilitarian impulse. May we then presume that the interrex was regarded as an unimportant institution of the past

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135 *StR* 2.141-172. A useful account is provided also by P. Willems, *Le Sénat de la République Romaine*² (Paris, 1885), 2.7-31

136 *Rep.* 2.12.23. But at *Legg.* 3.3.9 there is no suggestion that there is anything unusual about the office. Cf. *Rep.* 2.17.31; 2.30.52.

137 *NA* 14.7.4; *LL* 6.93. Cf. Cic., *Legg.* 3.3.9.

without relevance to the times in which the various antiquarians, particularly Varro, were writing? Not in the case of Varro at least: Cicero emphasises the number of *interregna* in his time, particularly those of 53 B.C. when the consuls were not appointed until July due to the obstructive actions of the tribunes.[138] But the last interregnum in the Republic was in 52 B.C. and the office then seems to have been in abeyance until the death of Aurelian in A.D. 275, when there was a six-month *interregnum* before the accession of the emperor Tacitus.[139] It is perhaps significant that there is no connection between the interrex and Augustus, whose reforms seem otherwise to have afforded something of an impulse to antiquarian study. This view is supported by what remains of whatever Verrius Flaccus might have had to say on the subject: the interregnum is simply defined as the time until a deceased *king* was replaced by another.[140]

b) The dictator[141]

We would expect to have found rather more in the antiquarian tradition on the dictatorship, particularly since it was re-created in the latter years of the Republic, albeit in a somewhat different form. There are indeed traces of a greater interest in this subject on the part of the earlier antiquarians, but they are little more than traces. There was presumably less interest in this among antiquarian scholars under the Empire because the office had ceased to exist and there was no longer any need for dictators: hence fewer notes have been preserved.

There is, however, a remarkable degree of unanimity in what survives as to the sort of information regarding the dictatorship, which the antiquarians felt should concern them: it is only in what remains of Verrius Flaccus' *De Verborum Significatu* that we find any substantial discussion of something other than that the dictator used also to be called the *magister populi*. I shall turn to

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138 Cic., *Fam.* 7.11.1; Dio 40.45. Cf. also the speech *Pro Milone* together with Asconius' comments (pp. 31, 33f., 36, 43 in Clark's *OCT*). On the events leading to the trial of Milo cf. Dio 40.45, 49.

139 On the *interregnum* of A.D. 275 cf. *IIA*, *Tacitus* 1. Willems, *op. cit.* (n.135), 2.10-12 has a list of *interreges*.

140 Paul, *Fest.* 110. Similarly, Servius mentions only the *interregnum* following the death of Romulus (*Aen.* 6.808).

141 *StR* 2.141-172.

what the antiquarians themselves have to say shortly, but should note first an instructive passage from Seneca's *Epistulae Morales*, which gives us an ancient view, from outside the antiquarian tradition, of the antiquarians' concern in this area: "When a *philologus* reads Cicero's *De Re Publica* ... he notes that the man whom we call the dictator, and who is so called in historical works, was called by the ancients the *magister populi*." Even Seneca seems drawn from his point at this stage ("et ipse in philologum delabar"), for he adds that this is what he is called *in auguralibus libris* and that further evidence for this is provided by the fact that the man appointed by him is called the *magister equitum*.[142]

The *De Lingua Latina* contains two attempts by Varro at explaining the origin of the name *dictator*; on both occasions Varro, as Seneca predicts, notes that the dictator was also called the *magister populi*.[143] Varro explains that this was because he had *summa potestas* over the people, just as the *magister equitum* had over the cavalry and *accensi*. The position of the dictatorship as the supreme magistracy is emphasised by his further explanation that the term *magistratus* was derived from these two *magistri*; and Gellius preserves Varro's list of magistrates who could summon the senate and issue *senatusconsulta*, in which the dictator has first place.[144] This is all that Gellius has to say about dictators: it is interesting that they are not mentioned in the passage on magisterial *auspicia* which Gellius quotes from Messala's *De Auspiciis*.[145] Festus also suggests that the true title of the dictator was *magister populi*, "qui vulgo dictator appellatur", a fragment of Fenestella's *Annales* mentions that the dictator used to be called the *magister populi* and Cicero, who also gives a derivation of the name *dictator*, says, in the passage of the *De Re Publica* referred to by Seneca, that "in nostris libris [presumably the *libri augurales* mentioned by Seneca] vides eum magistrum populi appellari" and it is as such that he is mentioned in the *De Legibus*.[146]

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142 Sen., *Epp.* 108.30f., 35. The approach of the *philologus* is contrasted with those of the *grammaticus* and the philosopher.

143 *LL* 5.82; 6.61. At *LL* 6.93 Varro notes that the dictator can summon the army.

144 *LL* 5.82; Fest., 154 (cf. Paul., *Fest.* 152) *magisteria* has the same etymology of *magistratus*. *NA* 14.7.4.

145 *NA* 13.15.

146 Fest., 198 *optima lex*; Fenestella, *Ann.* frg. 6 Peter; Cic., *Rep.* 1.40.63; *Legg.* 3.3.9.

In his survey of the history of the magistracies, Pomponius explains the establishment of the dictatorship as being in response to the numerous wars of the Republic, but as we would expect he is concerned with their jurisdiction, noting that there was no right of *provocatio* against the dictator and that he had rights of capital punishment against citizens. Again there is mention of the *summa potestas* of the dictatorship. But when he comes to speak of the *magistri equitum*, we see more of the antiquarian's desire to connect ancient institutions with those of his own day for, having compared them to the *tribuni celerum* of the regal period, whom he has already mentioned, he suggests that the office may be compared with that of the praetorian prefects of the imperial period, but makes the distinction that the *magistri equitum* were regarded as *magistratus legitimi*.[147]

Festus also mentions that there was originally no right of *provocatio* against the dictator: this is connected with the appointment of the dictator by an *optima lex*, which he says was a mark of the dictator's *plenissimum ius*, but which was no longer required after the right of appeal was, at a later stage, allowed against the dictator. Among our sources this mention of the procedures for appointing the dictator is unique: that this was discussed at greater length by Verrius Flaccus may be presumed, particularly considering that the lemma under which Festus preserves this information is *optima lex*: that is, the original discussion presumably centred specifically on the method of appointment by an *optima lex*, rather than Verrius Flaccus' subject being the dictatorship more generally.[148] Also almost unique here is Verrius' statement that the first dictator was Manius Valerius: this represents one tradition concerning the first dictator; according to another, represented by (among others) Cicero and Livy, it was one Titus Larcius. Even Livy admits that it was uncertain when and by which consuls the first dictator was appointed and who he was.[149] Whichever tradition Varro followed, when the dictator T. Larcius is mentioned by Macrobius, following Varro in Book 6 *de sacris aedibus* of the *Res Divinae*, as having dedicated the

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147 *D.* 1.2.2.18f. This comparison suggests an implicit one between the dictator and the emperor.

148 Fest., 198 *optima lex*.

149 Cic., *Rep.* 2.32.56; Livy 2.18.4ff. (Livy in fact mentions both traditions but prefers T. Larcius.) On the two traditions cf. *StR* 2.141.

temple of Saturn in the Forum, it is without any indication that he may have been the first to hold the office. Similarly, when Festus mentions the grant to the dictator Valerius and his successor of a place in the Circus for the *sella curulis*, there is no explanation of who this Valerius was.[150]

c) The *decemviri legibus scribundis*

In view of the purpose for which the *decemviri* were created it is not surprising to find them better represented in the jurist Pomponius' survey of magistracies and also in the *Noctes Atticae*. But Pomponius merely mentions their legislative role in passing, and in this he happens to be typical of the antiquarian tradition as we know it. In contrast to his notes on other magistracies he does not even hint at their jurisdiction: this is worth stressing, for the avowed intention of Pomponius in this section of his *Enchiridium* is to portray those who were responsible for the administration of the law.[151] He has, however, already noted in his discussion of the place of the Twelve Tables in the development of Roman legislation that there was no right of appeal (*provocatio*) against the *decemviri,* who had *ius summum* to facilitate the carrying out of their commission.[152] Here, however, Pomponius is concerned mainly to show how their *nimia atque aspera dominatio* led to the secession of the plebs, the origins of which he discusses at unusual length.

Cicero's account of the decemvirate in the *De Re Publica* is fuller and, unlike Pomponius, he distinguishes between the first set of *decemviri* and their successors, "quorum non similiter fides nec iustitia laudata." He also notes that they were created *maxima potestate sine provocatione*, and yet again the emphasis seems to be on the origins of the secession, although much of this is now lost.[153]

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150 Macrob., *Sat.* 1.8.1. At 3.4.11 Macrobius tells us that, like consuls and praetors, dictators, on entering office, would offer sacrifice at Lavinium to the Penates and to Vesta. Fest., 344 *sellae curulis*.

151 *D.* 1.2.2.13: "quantum est enim ius in civitate esse, nisi sint, qui iura regere possint?"

152 *D.* 1.2.2.5.

153 Cic., *Rep.* 2.36.61 - 2.37.63. At *Rep.* 2.31.54, where he gets rather bogged down in a not entirely conclusive argument about the introduction of *provocatio*, Cicero uses the fact that the *Xviri* were created *sine provocatione* to show that other magistracies were subject to *provocatio*. Cf. also 3.32.44. At 3.33.45 the *Xviri* are implicitly compared to the tyrants of Syracuse, Agrigentum and Athens.

Gellius concentrates on their legislative role though without displaying any particular interest. Although he mentions the Twelve Tables on a number of occasions,[154] the *decemviri* themselves are only, with one exception, referred to as responsible for this legislation, without further comment.[155] Only once does Gellius tell us that they at first compiled only ten tables, to which another two were added soon afterwards, and in his article on legislation regarding theft he notes that the *decemviri* struck a balance between the severity of Draco and the more lenient legislation of Solon.[156] The exception in fact comes from Varro and represents the only notable mention of the *decemviri* by him: here we are told that they had consular *imperium* and the *ius consulendi senatum*.[157]

d) The *praefectus urbi*[158]

The urban prefecture provides a clear example of the impetus which was given to antiquarian scholarship by the actions of those prominent in political affairs at the end of the Republic, particularly of Augustus. Traditionally the institution went back to Romulus, as a temporary appointment "so that Rome should not be left without any authority when the kings, and later the magistrates, were absent",[159] but naturally fell into abeyance following the establishment of the urban praetorship in the wake of the Licinio-Sextian legislation. The *praefectus urbi* proper seems to reappear first when, as Suetonius notes, Julius Caesar appointed prefects instead of praetors.[160] This Suetonius includes among those actions which he regards as supporting the view that Caesar was justly murdered. Clearly Caesar had not managed to set the antiquarian machine in motion to provide justification for these appointments, or at least not to the extent that Suetonius would take notice of it in his portrayal of Caesar: we may wonder to what extent this is the result of Varro's adherence to the Pompeian party. Gellius, however, does preserve Varro's note that the *praefectus urbi* could summon the senate and promulgate *senatusconsulta*:

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154 *NA* 1.12.18; 3.2.13; 3.16.12; 7.7.3; 8.1; 11.18.6-9; 15.13.11; 16.10; 17.2.10; 20.1; 20.10. Cf. C.A. Cannata, 'Tertiis nundinis partis secanto' in *Studi in onore di Arnaldo Biscardi* IV (Milan, 1983), 59-71, where Gellius' knowledge of the Twelve Tables is discussed.

155 *NA* 3.16.12; 8.1; 20.1.3, 34, 43.

156 *NA*17.21.15; 11.18.6-9.

157 *NA* 14.7.5.

158 *StR* 1.663-674; 2.1059-1069.

159 Tacitus, *Ann.* 6.11.1.

160 Suet., *Jul.* 76.2. Cf. Dio 43.28.2.

perhaps, then, Varro did not ignore this Caesarian recreation.[161] Varro correctly places the prefect in last place in the list of magistrates who had these rights, thereby implicitly recognising that he functioned only when the other magistrates were out of the city. But, as we have seen, although Varro first wrote on this subject in the Εἰσαγωγικός *ad Gnaeum Pompeium* in 70 B.C., Gellius is quoting from the later *Epistolicae Quaestiones*, the precise date of which is unclear. It is, however, probable that this list of magistrates was updated from that provided to Pompey to take account of Augustan institutions, if not by Varro, perhaps by Ateius Capito, from whose *Coniectanea* Gellius very probably has this passage.

The continued interest on the part of antiquarian scholars in the *praefectura urbi* is quite probably based on the re-institution of the office by Augustus. This seems to be confirmed by Tacitus, who is led by the mention of the death of one L. Piso, who, he seems to say (if the text is correct), was appointed to the urban prefecture by Augustus, to include in his narrative a digression on the history of the office. That the elder Pliny and Suetonius both relate the circumstances of Piso's appointment by Tiberius suggests, however, that either Tacitus was wrong about Piso's term of office, or that the numeral has been corrupted at some stage in the manuscript tradition of Tacitus.[162] On the other hand the accounts provided by Pliny and Suetonius evidently come from a tradition hostile to Tiberius, to Piso, or to both: the polemic may simply be concealing a re-appointment to the office. Whatever the solution to this problem might be, there remains within the digression itself a certain emphasis on the Augustan era: as Syme noted, "The author goes out of his way to show up the acts and institutions of the Augustan Principate".[163]

It would be interesting to know the source of Tacitus' information here: an antiquarian one could be postulated, for the account differs somewhat from that of Livy who mentions only the last of the prefects whom Tacitus names as

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161 *NA* 14.7.4.

162 Tacitus, *Ann.* 6.11; Pliny, *NH* 14.28.145; Suet., *Tib.* 42.1.

163 R. Syme, *op. cit.* (n.93), 432. Syme implies that this emphasis may have been in the sources and the tradition which were used by Tacitus, who "by introducing the name of Maecenas (who held no office), undermines and discredits the Republican and constitutional precedents which (it may be presumed) had been claimed to justify the innovation."

having served under the kings.[164] For Suetonius, it is clear that the urban prefecture, at least in the form in which it was known to him, was an institution of Augustus, although it was only under Tiberius that it became a standing magistracy, the *ad hoc* nature of the post being further regularised under Gaius, from whose reign the prefect started to exercise his functions even when the emperor was in Rome. By the second century A.D. the standing of the office was such that Suetonius could use the example of the tenure of the office by Flavius Sabinus, the elder brother of the emperor Vespasian, to illustrate the worthiness of the *gens Flavia*.[165]

By Gellius' time, then, there must have been a considerable collection of information on what had by then become the important post of *praefectus urbi*. But besides his preservation of Varro's notes, to which I have already referred, Gellius deals with the urban prefecture in only one further article, again very probably derived from Ateius Capito's *Coniectanea*. Here, however, it is not a question of the prefecture proper, but the particular form in which the office survived after the establishment of the praetorship, that is what became known as the *praefectus urbi feriarum Latinarum*. It seems likely that the descriptive addition *feriarum Latinarum*, or (as Gellius has it) *Latinarum causa*, only came to be used after the re-institution of the *praefectus urbi* proper at the start of the Principate: thus we can probably see Gellius' hand, or that of some other scholar of the imperial age, in the construction of this article.[166] Gellius presents the views of Junius (Gracchanus, presumably), Varro and Ateius Capito as to whether or not the *praefectus urbi feriarum Latinarum* had the *ius senatus habendi*. Varro's discussion of the question was presumably in connection with his discussion of procedure in senatorial meetings, for Gellius refers to the same book of the *Epistolicae Quaestiones* and, furthermore, this is the consecutive article in the *Noctes Atticae*. It might be presumed that the views of Gracchanus were reproduced from Varro, but oddly Gellius gives as Gracchanus' reason

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164 Livy 1.59.12. Pomponius' brevity means that all such information is excluded from his account (*D.* 1.2.2.33) and leads also to a degree of obscurity. Yet he sees a distinction between the original prefects and the later *praefecti Latinarum feriarum causa*. That the *praefectus urbi* proper existed in his day is signalled only by the use of the present tense.

165 Suet., *Aug.* 37: "nova officia excogitavit: ... praefecturam urbis ..." Cf. *StR* 2.1060. Note also *D.* 1.12, which is *de officio praefecti urbi*. Suet., *Vesp.* 1.3.

166 *NA* 14.8. On the prefect for the Latin festival cf. *StR* 1.666f.

why this prefect may not summon the senate, that "he is not a senator and does not have the *ius sententiae dicendae* because he is appointed prefect at an age when he is not eligible to join the senate." This would be the only indication which we would have that what became normal during the Principate was also the norm in the Republic. Tacitus notes that the prefect *ob ferias Latinas* was merely a *simulacrum* of the *praefectus urbi* proper: the position was effectively only an honorary one and was often filled by high-ranking young men, particularly future emperors.[167]

If, as seems probable, Ateius Capito is the source used by Gellius in these two articles in which the urban prefect is mentioned, then we have here an interesting example of how the work of the antiquarians of the Republic was used by the Augustan age. Pliny tells us that Junius was called Gracchanus on account of his friendship with Gaius Gracchus and it is significant that his work *De Potestatibus* was written, one assumes, in the wake of the 'Gracchan crisis', possibly to justify the actions and institutions of at least the younger of the Gracchi.[168] Again at a time of great upheaval at Rome we find Varro writing an introduction to the workings of the senate for Pompey. Then under Augustus the jurist Ateius Capito collated the works of the first two (that is, if the works of Gracchanus were not cited by Varro) and also that of Q. Aelius Tubero, the jurist and historian, who is mentioned in both these articles of the *Noctes Atticae*.[169] We have seen elsewhere the antiquarian content, if not nature, of much juristic writing and here Capito explicitly interlinks the antiquarian and juristic traditions. It would be interesting to know if Capito reported Tubero's views as fully as he did Varro's.

It would, then, quite probably be Capito who interpreted for his own age the reason given by Junius Gracchanus why the *praefectus urbi Latinarum causa* could not chair a meeting of the senate as being because he was too young to hold the relevant rights. Capito, however, seems to have been concerned to show that the prefect could do so, for Gellius tells us that he compared the rights

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167 Suetonius tells us (*Nero* 7.2) that Nero first exercised jurisdiction when he was *praefectus urbi sacro Latinarum*; the *Historia Augusta* records much the same of Marcus Aurelius (*HA*, *Marcus* 4.6). Cf., e.g., Dio 49.42.2; 53.33.3.

168 Pliny, *NH* 33.9.36.

169 Note what Gellius says *NA* 14.8.2: "deque ea re adsensum esse Capito Varronem Tuberoni contra sententiam Iunii refert".

of the tribunes of the plebs, who could hold meetings of the senate even though they were not senators until the passing of the *plebiscitum Atinium*. We need only note the re-institution of the *praefectura urbi* and the assumption of tribunician powers by Augustus in order to see clearly the circumstances in which Capito was writing: it is unfortunate that we cannot see clearly what Capito was writing.

e) Other magistracies and officials

After having described the *praefectus urbi* and the *praefectus urbi Latinarum feriarum causa*, Pomponius notes that the *praefectus annonae* and the *praefectus vigilum* were not magistrates since they were extraordinary, *ad hoc* appointments. He adds also that the *Vviri cistiberes*, whom he had previously mentioned as functioning *pro magistratibus*, were later upgraded to aediles. Elsewhere there is little mention of these lesser prefectures, although Festus again preserves an alternative perspective on the subject: he mentions only the Italian prefectures, listing those which were filled by Rome. Additionally, in the *Noctes Atticae*, at the end of the discussion of the nature of *manubiae*, Gellius has Favorinus explain that in the definition which he has given ("manubiae enim sunt ... non praeda sed pecunia per quaestorem populi Romani ex praeda vendita contracta"), instead of *quaestor*, *praefectus aerario* should be understood, "since the *cura aerarii* has been transferred from the quaestors to prefects."[170] Apparently, then, these were not of great interest to the Roman antiquarian writers.

Suetonius provides a list of the new posts created by Augustus: with the exception of the urban prefecture and two triumvirates for carrying out the *lectio senatus* and the *recognitio equitum*, these were all curatorial positions, overseeing public works, roads, aqueducts, the banks of the Tiber and the corn supply. Again with the exception of the *praefectus urbi*, we hear very little else of these officials. This is strange given what I have said about the impetus given to antiquarianism by Augustus' reforms; and Suetonius explicitly presents them as *nova officia* invented by Augustus. Furthermore, as we have seen, the

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170 *D.* 1.2.2.33 (cf. §31); Fest., 233 *praefecturae*; *NA* 13.25.30. Cf. *StR* 2.557-560.

censorship was a subject of some interest for antiquarians and the various *curae* with which these officials were entrusted seem to have been derived from those of the censorship: Frontinus makes this explicit in the case of the *cura aquarum*. It is worth noting that besides this statement of Suetonius and Frontinus' notes on the *curatores aquarum*, Mommsen could draw only on epigraphic evidence in his discussion of these *curatores*.[171] One can only assume that these lesser positions were omitted simply because they were less important, their responsibilities more humdrum and because they lacked the glamour of the magistracies proper. Perhaps for the same reason, we hear little of the bureaucratic posts established by the emperors.

Similarly the *tresviri reipublicae constituendae* are hardly ever mentioned in the antiquarian tradition: Suetonius refers to Augustus' having been one, and Gellius mentions in passing that Mark Antony was one. Gellius also has them included in the list, which derives from Varro's *Epistolicae Quaestiones*, of those who had the *ius consulendi senatum*, but without any comment on them. Surely, however, Varro would have had more to say on the subject than what Gellius preserves: Appian tells us that Varro wrote a work entitled Τρικάρανος ('The Three-Headed Monster') which dealt with the First Triumvirate of Caesar, Pompey and Crassus, though its approach (not to mention content) is unknown.[172] Of course, Augustus would want to play down Octavian's role in the civil wars and, as a result, antiquarian discussion of the Second Triumvirate may have been actively or passively suppressed.

There seems to have been considerably more interest in the more important of the magistrates' *apparitores*, the lictors and viators. Gellius mentions lictors in four articles, once very much in passing and once only to refer to the summoning of the *comitia curiata* by a *lictor curiatus*. Elsewhere, as we have seen, he reproduces Varro's argument that those magistrates who were accompanied by lictors had the right of summons and those with viators had the

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171 Suet., *Aug.* 37 (but note that one of Verrius Flaccus' explanations of *curatores* was as those "qui rei frumentariae agrisve dividendis praepositi sunt." [Paul., *Fest.* 48]); Frontinus, *Aq.* 97. *StR* 2.1044-1054.

172 Suet., *Aug.* 27; *NA* 3.9.4; 14.7.5; App., *BC* 2.9 (=*Sat. Men.* frg. 556 Astbury). Cf. B. Zucchelli, 'L'enigma del ΤΡΙΚΑΡΑΝΟΣ: Varrone di fronte ai triumviri', *Congr. Stud. Varr.*, 609-625.

right of arrest. The fourth article is devoted to the origin and meaning of the word *lictor* and reproduces the differing views on the subject of one Valgius Rufus, who lived and wrote in the Augustan period, in the second book of his work *De rebus per epistulam quaesitis*, and of Tullius Tiro. Rufus' etymology (which Gellius prefers) is based on the original function of the lictor as an arresting officer, while Tiro derives the name from the *limus* or *licium*, a sort of girdle worn by the assistants of magistrates. This is, then, a good example of the close interdependence of grammatical and antiquarian studies; we should also note again the presence of information about items of clothing.[173]

The etymology offered by Rufus also appears as one of two alternatives offered by Plutarch: the second view seems not to be found elsewhere and could well be Plutarch's own contribution, since he connects *lictor* with the Greek word λητος.[174] It is clear, however, that there was no authoritative account of lictors in the antiquarian tradition, for the notes which survive in various sources have little in common. In Paulus' miserable epitome of Festus, lictors are mentioned on at least three occasions: their name is explained as being because they carry *fasces virgarum ligatos*; while in the other two instances he is concerned with the particular lictors who were involved in the *sacra publica*, although Paulus does not preserve any distinction which may have been contained in the fuller version of Festus or in the original of Verrius Flaccus. Thus he records that the *flaminius lictor* was in attendance on the *flamen Dialis sacrorum causa* and he preserves the words of the order made by the lictor *in quibusdam sacris*.[175] Suetonius mentions lictors only as one of the consular insignia of office, though there is a particular antiquarian slant to this, for he refers to Julius Caesar's revival of the *antiquus mos* that as consul, in those months when he did not have the fasces, an *accensus* should precede him, while the lictors followed him. Similarly he mentions Domitian's refusal of a *novus honor* devised by the senate, that as consul there should be a number of *equites*

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173 *NA* 2.2.13; 15.27.2; 13.12.6; 12.3. On Valgius Rufus cf. Schanz-Hosius §§273f.

174 Plut., *QR* 67. Nonius (p. 51.26ff.M) also follows Rufus and includes the same quotation from Cicero's *Pro Rabirio* as appears in Gellius.

175 Paul., *Fest.* 115 *lictores*; 93 *flaminius*; 58 *exesto*. If Müller's restoration is correct then Verrius Flaccus may have referred (Fest., 351 *triginta lictoribus* [?]) to the 30 *lictores auspiciorum causa* also mentioned by Cicero, *Leg. Agr.* 2.12.31. On the distinction between the two types of lictors cf. *StR* 1.355f.

selected by lot among the lictors and other *apparitores* who preceded him.[176] Macrobius takes a different viewpoint again and in his discussion of the *toga praetexta* reports that it was Tullus Hostilius who, after having defeated the Etruscans, introduced to Rome the Etruscan insignia of magistrates, that is, the curule chair, lictors, the *toga picta* and the *toga praetexta.* Macrobius was perhaps following Cicero's account in the *De Re Publica,* or his sources, where lictors are mentioned for the first time in connection with the same king, though Cicero suggests that the twelve lictors and their fasces were only introduced after the approval of the people had been sought.[177]

Such a wide range of different comments on the same official seems unparalleled in the antiquarian tradition and suggests at best that there was no consensus among the earlier antiquarians. It is then perhaps significant that the only time that lictors are mentioned by Varro in the *De Lingua Latina* it is as part of his explanation of *Paluda* (an epithet of Minerva) which he derives from *paludamentum* which he describes as military insignia and ornaments.[178] Besides the extract from the twenty-first book of the *Res Humanae* preserved by Gellius, a brief fragment from Book 20 of the same work, preserved by Nonius, refers to the undesirability of a lictor being ordered to arrest a free man.[179]

Valgius Rufus, in the passage cited by Gellius, implies that originally the lictors were drawn from the *collegium viatorum*: presumably Rufus was using *viator* as a generic term for all magisterial attendants, for although lictors and viators were apparently of equal standing, their attested functions were different.[180] This is made clear by the passage which Gellius reproduces from Varro's *Res Humanae* on *vocatio* and *prensio*, where we are informed that the possession of a viator by a magistrate was a mark of that magistrate's right of arrest. Ignoring a very passing mention in a passage cited from Ateius Capito's

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176 Suet., *Jul.* 20.1; *Dom.* 14.3. Cf. Cic., *Rep.* 2.31.55: "Publicola ... instituit primus ut singulis consulibus alternis mensibus lictores praeirent".

177 Macrob., *Sat.* 1.6.7; Cic., *Rep.* 2.17.32 (unfortunately the manuscript breaks off before the sentence about lictors is finished: up to half of Cicero's account of Tullus Hostilius is lost).

178 *LL* 7.37. Note again that these are items of costume.

179 Non., p. 394, 5f.M =*RH* Bk. 20 frg. 13 Mirsch. Ranucci, *art. cit.* (n.14), 117 suggests that Varro is quoting a law.

180 *NA* 12.3.1. On *viatores* cf. *StR* 1.360-362.

De Officio Senatorio, where he reports Julius Caesar's attempt to bring to an end a filibuster of Cato in the senate by having a viator arrest the latter, it is only in these two articles that Gellius discusses *viatores* and there is no other indication that Varro ever discussed the viators.[181]

It is from Festus and the Elder Pliny that we learn more concerning the *viatores*.[182] Festus reports that they were *apparitores* of magistrates and suggests that their name came from the fact that they had originally to work more often *in via quam urbe* since they were sent by magistrates to summon citizens from the fields. Pliny apportions them the same function and the same origin of the name when he relates the tale of Cincinnatus' appointment as dictator as an example of the honourable standing of agricultural work in the olden days. After having reported the viator's instruction "Vela corpus ut perferam senatus populique Romani mandata", Pliny adds the interesting comment that '*viatores* were like that even then', the precise import of which we cannot discern. Presumably, however, viators had something of a reputation for brusqueness.

9. The Composition of the Senate

Magistrates were of course members of the senate: it will, therefore, be interesting to consider what antiquarian writing had to say about the composition of the senate. In this the antiquarians are most concerned with the explanation of senatorial nomenclature. The clearest examples of this are, of course, to be found in the epitomes of Verrius Flaccus' *De Verborum Significatu*, but it appears in other writers also. What is most striking in this connexion is that we have no record of Varro attempting to explain the word *senatus* or its etymology.

Gellius tells us that both Varro and Nigidius Figulus only ever used *senatuis* as the genitive and *senatui* as the dative of *senatus* (and similar words: he cites also *domus* and *fluctus*).[183] There is no indication of Gellius' source here: one presumes a grammatical commentary, although Varro himself presumably

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181 *NA* 13.12.6; 4.10.8. Suetonius (*Jul.* 20.4) says in any case that Caesar used a lictor.
182 Fest., 371 *viatores*; Pliny, *NH* 18.4.20-21.
183 *NA* 4.16.1-5.

discussed the matter in the *De Lingua Latina*. But clearly this belongs to a discussion of fourth declension nouns and *senatus* just happens to be an example of one of these. The closest Varro comes to an etymology of *senatus* is in his explanation of *senaculum*: this is, he says, where the senate or the *seniores* would meet, the word being parallel to the Greek γερουσία. Thus he seems to see *senatus* and *seniores* as in some way cognate. Festus agrees, and gives an indication of why the etymology of *senatus* might not have been investigated by Varro: "senatores a senectute dici satis constat".[184] So, according to Festus, the derivation of *senatores*, and hence that of *senatus*, was well known. Not that an etymology being obvious or well known seems to have prevented Varro expounding on the matter with regard to other words.

The idea that the senate was originally composed of older men reappears several times in works which may be connected with the antiquarian tradition and elsewhere. In the *De Re Publica* Cicero very probably compares the body of γέροντες established by Lycurgus and suggests that the institution and name of the Roman senate was an imitation of this; similarly, Servius mentions, on at least three occasions in his commentary on the *Aeneid*, that the senate and senators owed their name to the *senectus hominum*, adding once the same comparison as is offered by Cicero and Varro to the Greek γερουσία. Servius can, however, also offer two alternative etymologies of *senatores* and *senatus* from *sinere* and *sentire*, referring to their ability to pass *senatusconsulta*.[185] Whether the antiquarians saw this as indicative of there originally having been an age qualification for membership of the senate or as merely descriptive is unclear: certainly we never hear of an age qualification for the senate in the Republican era, only for the magistracies.[186]

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184 *LL* 5.156; Fest., 339 *senatores*. Compare Varro's statement with the note which Gellius (*NA* 18.7.5) thinks comes from Verrius Flaccus, that "senatum dici et pro loco et pro hominibus". Note also Paul., *Fest.* 94 *gerusia*, which he explains as being another name for the curia, *ab aetatis vocabulo*, possibly confusing body and place of meeting.

185 Cic., *Rep.* 2.28.50 (the beginning of the sentence is lost); cf. also 2.9.15; Serv., *Aen.* 1.426 (which mentions the γερουσία and the etymology from *sentire*); 5.758 (which has the etymology from *sinere*); 8.105. Cf. also Lydus, *Magg.* 1.16; Florus, 1.1.15; Quint., *Inst.* 1.6.33.

186 Excepting what Gellius reports Junius Gracchanus as having said (*NA* 14.8.1), which perhaps should not be taken literally: cf. *StR* 3.875.

There is, however, general agreement that Romulus first instituted the senate and that its members were called *patres* on account of the honour of their having been selected.[187] Cicero and Livy make it clear that these *patres* were the heads of families which were thenceforward called *patricii*.[188] The antiquarians certainly believed that at one time the senate was a solely patrician body: they were, however, far from certain when plebeians were first admitted to that body and the distinction between patrician and plebeian senators is more often than not only implicit. This uncertainty, which is also apparent in the annalistic tradition, is reflected by the significant number of antiquarian notes attempting to explain the terms *patres conscripti* and *allecti*, and indeed establishing that there was a difference between *patres* and *patres conscripti*, in addition to those on the connected subject of the number of senators in the regal period and the early Republic. According to tradition, Romulus established a senate of one hundred members to act as an advisory *consilium*. This, incidentally, is virtually all we hear of the competence of the senate in the regal period.[189] Tradition also knew that at some stage this was increased to three hundred, which is accepted by our sources as the normal figure until the late Republic. It seems likely that this figure has some relation to the three tribes, as traditionally instituted by Romulus, although the increase in the number of senators is never attributed to him. In fact we have nothing directly from the antiquarian tradition on the increase to three hundred; and it is worth noting that in general Roman antiquarian scholarship seems to have avoided discussion of the regal period. Livy asserts that Tarquinius Priscus added a hundred to the number of *patres*, without saying what that number was; Cicero is even more obscure, mentioning only that Tarquinius Priscus "duplicavit illum pristinum patrum numerum". If the two statements are taken together, then the picture becomes clear, but that neither mentions what the original number was, which was increased by Tarquinius, suggests that we should exercise caution: the two statements may

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187 Fest., 339 *senatores*; 246 *patres* (here there is also mention of another explanation of *patres*, "quia agrorum partes adtribuerant tenuioribus, perinde ac liberis." Perversely, this is the only explanation preserved by Paulus, 247); Cic., *Rep.* 2.8.14; 2.12.23; 2.28.50. Cf. Livy, 1.8.7; Florus, 1.1.15.

188 Cic., *Rep.* 2.12.23; Livy, 1.8.7.

189 Fest., 339 *senatores*; 246 *patres*; (246 *praeteriti* also mentions the role as *consilium publicum*, as Cicero, *Rep.* 2.8.14 refers to the senate under Romulus as *regium consilium*); Serv., *Aen.* 8.105; Lydus, *Magg.* 1.16; Livy, 1.8.7.

come from different traditions. Both agree, however, that this led to the distinction between the *patres maiorum gentium* (who, Cicero notes, were asked for their *sententiae* first) and those *minorum gentium*: there is no explicit mention of *patres minorum gentium*. Why not? It might be argued that this is implicit and should be understood; but might it not also reflect caution, and a degree of uncertainty as to whether those added to the senate were actually patricians? It may be well not to press this point, yet it should be noted that our only other source which mentions an increase in senatorial membership during the regal period, Servius' commentary on the *Aeneid*, speaks explicitly of it being the view of some that *conscripti* refers to those adlected from the plebs by Servius Tullius.[190] On the other hand Cicero and Livy both avoid using what would seem to be the two technical terms for increasing the number of senators, *adlegere* and *conscribere*. As Mommsen noted, *adlegere* is used for the more or less exceptional increases, especially when the normal number was altered, while references to *conscripti* are generally in connection with reports of the first inclusion of plebeians in the senate.[191]

Conscripti were explained by Verrius Flaccus as being those "qui ex equestri ordine patribus ascribebantur, ut numerus senatorum expleretur", and *adlecti* are also those "qui propter inopiam ex equestri ordine in senatorum sunt numero adsumpti"; the *patres*, he says, are those of patrician birth, while the *conscripti* are those "qui in senatu sunt scriptis annotati."[192] Elsewhere Verrius asks "Qui patres, qui conscripti vocati sunt in curiam?" and goes on to explain that after the expulsion of the kings, the consul P. Valerius (Publicola), on account of an *inopia patriciorum*, *adlegit* into the senate one hundred and sixty-four plebeians to bring the number of senators back up to three hundred. Similarly, Plutarch asks "Why did they address some of the senators as *patres conscripti* and others simply as *patres*?" He explains that those originally enrolled by Romulus were called *patres* and *patricii*, which he glosses as εὐπατρίδαι, referring to their ability to point out their fathers, while the *conscripti* were those later enrolled ἐκ

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190 Livy, 1.35.6; Cic., *Rep.* 2.20.35; Serv., *Aen.* 1.426. In this connexion it is interesting that Paulus (*Fest.* 221 *patricius*) preserves a note from Verrius Flaccus that Servius Tullius established a *patricius vicus* in Rome where the patricians should live.

191 *StR* 3.839 nn. 1 & 2. Cf. Ogilvie, *op. cit.* (n.120), 236 on Livy 2.1.10f. Cf. also Varro, *LL* 6.66 which explains that *allecti* are those *additi*.

192 Paul., *Fest.* 41 *conscripti*; 7 *allecti*.

τῶν δημοτικῶν.[193] Interestingly Livy also explains the difference between *patres* and *conscripti* in the same way, but substitutes Brutus and the *equester ordo* for Festus' P. Valerius and the plebs and omits any mention of how many new senators were required to make up the number of three hundred. He also assumes that the new senators were plebeians. These references to an equestrian order would seem anachronistic and there may well be an echo of Sulla's recruitment of equestrians into the senate.[194] Servius also knew a tradition that Brutus had a hand in the organisation of the senate, though his account is confused: he says that he has read *apud quosdam* that Brutus enrolled in the *consilium* those who had helped him in expelling the kings, which is plausible, but he then goes on to say that these sources also say that it was Brutus who called the new order the senate (preserving, as we have seen, the aberrant etymology from *sentire*) and that he called them *patres conscripti* because they were patricians. In Servius' defence it should, of course, be pointed out that this was only one suggestion which he had read: he also mentions the views of others, who saw the *conscripti* as plebeians enrolled by Servius Tullius, and those who said that *patres* were separated from plebeians in the senate, which is a rare, explicit statement of a distinction between patrician and plebeian senators, but again only a suggestion.[195]

We can see clearly from what Servius has to say that there were a number of views in circulation as to the meaning of *conscripti*, though we also see that there was, as Ogilvie noted, something of a consensus that the term had its origin in the inclusion of plebeians in the senate. Ogilvie went on, however, to suggest that "despite this virtual unanimity the explanation can hardly be correct since the proper term for senators drafted in from outside would be *adscripti* not *conscripti*." As has been mentioned, we know of the general use of only two terms to describe the enrolment of new senators (*adlegere* and *conscribere*) and it

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193 Fest., 254 *qui patres*; Plut., *QR* 58 (cf. *Romulus* 13). Festus refers elsewhere to Cincius' *liber De Comitiis* for a related explanation of *patricii* (p.241 *patricios*). Lydus, *Magg.* 1.16 is confused on this.

194 Cf. Livy, *Epit.* 89; App., *BC* 1.100.

195 Livy, 2.1.10; Serv., *Aen.* 1.426. Besides Servius' note (*Aen.* 5.758) that the *patres* were granted the *condendi iuris potestas*, it would seem to be only Cicero who placed any great emphasis on the distinction between *senatus* and *patres*, in that he usually refers only to *patres* when discussing the senate of the regal period (e.g. *Legg.* 3.3.9; *Rep.* 2.8.14; 2.12.23). Similarly, as Mommsen noted, in the *interregnum* and the confirmation of laws, the two functions which seem to have involved only the patrician senators, the technical term is always *patres* (*StR* 3.837).

is, then, interesting (and frustrating) that when *adscripti* are discussed in the remnants of Verrius Flaccus' *De Verborum Significatu*, the only surviving explanation is that they are those who put their names down to be included in the citizens of a colony. We can see that there must have been no little confusion among the antiquarians on this subject: as Ogilvie noted, "the very diversity of occasions when such drafting is supposed to have taken place in itself shows that there was no settled tradition about it."[196]

While it might have been this uncertainty itself which aroused antiquarian interest, there might also be a connection with the events of the late Republic and Augustan principate: in 87 B.C. the size of the senate had been doubled to six hundred members, this number being further increased to nine hundred by Julius Caesar and, it would seem, further additions were made by the Triumvirate, before in 29 B.C. and 18 B.C. Augustus and Agrippa established what was thereafter to be the normal figure of six hundred. While these changes were also documented by Dio, it remains significant that Suetonius devoted much space to the Caesars' appointment of senators.[197]

The discussion of the difference between *patres* and *patres conscripti* seems, in the antiquarian tradition at least, not to have been a result of more general research into the senate of the regal period, but rather of the explanation of the formula by which senators were summoned to a meeting of the senate. Festus preserves part of the older form of the summons, which seems to have included the words "qui patres, qui conscripti", and indeed it is in the remains of Verrius Flaccus' *De Verborum Significatu* that we find most discussion of this question.[198] At some stage (perhaps under Augustus?) a new, or alternative, formula came into use, which summoned "senatores quibusque in senatu sententiam dicere licet." Both Festus and Gellius say that this formula was still in use in their day, Gellius adding that this formula was 'preserved for the sake of *consuetudo*'.[199] This presumes, of course, that the *nunc* in both cases is that of Festus and Gellius, and not just from a slavishly transcribed source; but this

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196 Ogilvie, *op. cit.* (n.120), 236; Paul., *Fest.* 14 *adscripti*.
197 Suet., *Jul.* 41.1; 76.3; 80.2; *Aug.* 35.1f.; *Claud.* 24; *Nero* 15.2; *Vesp.* 9.2.
198 Fest., 254 *qui patres*. Cf. Livy 2.1.11: "traditumque inde fertur ut in senatum vocarentur qui patres quique conscripti essent".
199 Fest., 339 *senatores*; *NA* 3.18.7f. The same formula also appears elsewhere, e.g., (perhaps anachronistically) at Livy 23.32.3.

need not detain us. Perhaps it was the preservation of an antiquated wording in the more or less established form of a consular edict (Gellius here refers only to consuls summoning the senate) that excited antiquarian interest.

Gellius' reference to the consuls presumably reflects what was normal practice in his day, and indeed it would seem that the consuls chaired the *senatus legitimi*, for the meetings of which the dates had been fixed by Augustus, though other magistrates could call and chair the extraordinary meetings, the *senatus indicti*: Gellius does not exclude this possibility; he merely bases his statement on the edict used by the consuls.[200] But it is perhaps odd that he does not distinguish between the ordinary and extraordinary meetings of the senate: perhaps the formula was the same for both, though we may wonder whether a summons would still be needed for *senatus legitimi*. Perhaps, then, we should see Gellius' comment on the preservation of the edict "servandae consuetudinis causa" as referring not merely to the form of the summons, but also to its continued existence.

Festus simply explains "quibus in senatu sententiam dicere licet" ('those who are permitted to give their opinion in the senate') as referring to 'those of the *iuniores* who had held a magistracy after the completion of the *lustrum* [that is, after the list of senators had been drawn up at the end of the census], and gave their opinions in the senate [they had gained senatorial rights by virtue of their having held a magistracy], yet were not called senators until they had been counted among the *seniores* at the census.'[201] This group of senators who were not senators seems to have exercised scholars (ancient and modern) considerably. Gellius gets himself into something of a muddle here, for he introduces the (still) vexed question of the *pedarii senatores*, a subject also discussed by Festus/Verrius Flaccus.[202]

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200 Cf. Suet., *Jul.* 28.2: "consul, edicto praefatus, de summa se re publica acturum, rettulit ad senatum, ut ...". For further instances of the use of an edict (not just consular) cf. *StR* 3.918 n.1. On the *senatus legitimi* and *indicti* cf. *StR* 3.923-925.

201 Fest., *loc. cit.* The distinction between *iuvenes* and *seniores* also appears in Servius (*Aen.* 8.105).

202 *StR* 3.962-965, 981f.; Willems, *op. cit.* (n.135), 1.137-145; L. R. Taylor and R. T. Scott, 'Seating Space in the Roman Senate and the *Senatores Pedarii*', *TAPhA* 100 (1969), 529-582, esp. 548-557; R.J.A. Talbert, *The Senate of Imperial Rome* (Princeton, 1984), 516; M. Bonnefond-Coudry, *Le Sénat de la république romaine de la guerre d'Hannibal à Auguste: pratiques délibératives et prise de décision* (Rome, 1989), 655-682. "Bibliographie abondante" notes the latter (p.655 n.87). The ancient sources are *NA* 3.18; Fest., 210 *pedarium*; Cicero, *Att.* 1.19.9; 1.20.4; Tacitus, *Ann.* 3.65.2; Frontinus, *Aq.* 99.4.

About the only thing which may be said with certainty about the *pedarii senatores* is that they were in some way inferior: 'backbenchers' as Taylor and Scott term them; and as Bonnefond-Coudry notes,

> la rareté des emplois de ce terme et la curiosité érudite qu'il a suscitée chez les Anciens ont donné lieu chez les juristes d'abord, puis chez les historiens, avec le développement de la prosopographie, à des théories plus ou moins complexes et contradictoires qui ont embrouillé la question.[203]

Her exhaustive discussion of the *pedarii* not only spares me the task, but also shows clearly how complex, contradictory and confused were the ancient sources on this question, a state of affairs mirrored by Gellius' article. Mommsen saw the *pedarii* as plebeians who had come into the senate, while Taylor and Scott agree with Willems in seeing them as senators who had not held curule offices, though Mommsen agreed that, from the Sullan period, the term *senator pedarius* was transferred from the plebeian senators excluded *de iure* from giving their opinions to the *tribunicii* and *quaestorii* who did not speak *de facto*, because their names were at the bottom of the list of senators which was, or at least was supposed to be, used to establish the order in which senators were asked for their *sententiae*. It is worth noting here that the asking of *sententiae*, is an area of apparent - and clearly connected - interest to the antiquarians. Bonnefond-Coudry rightly sees Mommsen's view as opening the only route which may lead to an acceptable solution of the problem.[204] Mommsen's views and argument also happen to coincide most fully with those of Gellius.

Before leaving the *senatores pedarii* it is worth noting that Gellius also refers to Varro's satire Ἱππικύων, in which Varro had stated that some *equites* were also called *pedarii:* while the precise import of this for our understanding of the *pedarii* has been fully discussed in the modern literature, we may note again that the antiquarians seem clearly aware, if not insistent, that at times there were equestrians in the senate.[205] Bonnefond-Coudry's discussion of this fragment from Varro's satires and the lines of Laberius and Lucilius quoted by Gellius and Festus is extremely thorough and most stimulating. Particularly interesting here

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203 *Op. cit.*, 655.
204 *Op. cit.*, 657.
205 *NA* 3.18.5. Cf. *StR* 3.964; Bonnefond-Coudry, *op. cit.*, 662, 668.

are her convincing arguments that Varro's Ἱππικούων may have attacked "l'avilissement du Sénat depuis la réforme syllanienne": here again we can see a link between the works (even if not strictly antiquarian) of antiquarian writers and the turmoil of the political life of Rome in the first century B.C. This is confirmed by her convincing suggestions as to the content of Laberius' mime *Stricturae*, that it was part of an attack against Julius Caesar's increasing of the number of senators.[206] On the one hand, Suetonius also records the opposition, in the form of pamphlets and ditties, to the inclusion of Gauls in the senate: elsewhere Suetonius refers to these new senators as *semibarbari Gallorum*, thus voicing his own disapproval of the measure.[207] On the other hand, and more interestingly, we can see how the antiquarian tradition, here in the form of Gellius and/or his sources - one thinks again of Ateius Capito - made use of material from other traditions or genres, here the satirical and mimographic, to illustrate their point: and not only, as is commonly assumed, as sources for examples of the use of particular words, but as an integral part of their argument. Furthermore, these sources, or at least this one, seem not to have been chosen at random but, it would seem, as a result of the proximity of their subject matter to the main interests and/or stimuli of the antiquarians, that is the political upheaval of the late Republic and early Principate.

While the precise status of the *senatores pedarii* must remain unknown, we may perhaps see in their notes on them, certainly in the notes on *conscripti* and *adlecti*, a degree of interest on the part of the antiquarians in the processes of the appointment of senators. The development of these processes was outlined by Verrius Flaccus, as we can see from what Festus has to say about *praeteriti senatores*, that is, those who were excluded from the list of senators:

> Originally there was no opprobrium attached to senators who were left off the list since, just as the kings enrolled and substituted those whom they wanted on the public council, so, after the expulsion of the kings, the consuls and military tribunes with consular power enrolled those patricians closest to them, and then plebeians. This lasted until the tribunician Ovinian law laid down that the censors were to enlist by *curia* the best men from all orders. After this, those who had been passed over and had lost their place, were held to be disgraced.[208]

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206 *Op. cit.*, 665-671.
207 Suet., *Jul.* 80.2; 76.3.
208 Fest., 246.

The passage is worth quoting as it is the only text which tells us anything about the *plebiscitum Ovinium* of 311 B.C., which transferred to the censors the duty/right of the *lectio senatus*, the drawing up of the list of senators.[209] Except in the regal period and in 509 B.C., whenever else the senatorial list is mentioned or hinted at by the antiquarians (which is not often), it is with the understanding that the censors were responsible for it. Cicero makes provision in the *De Legibus* that 'the censors shall allow no-one guilty of dishonourable conduct to remain in the senate' and it is, of course, as censors, or with censorial powers, that Suetonius records the purges of the senate made by the Caesars.[210]

We might see this apparent ignorance of the situation before the passing of the Ovinian plebiscite as symptomatic of comparatively less interest in the subject in general, but it also shows that the antiquarians were not always necessarily interested in the earliest stages of everything which they discuss. It is significant for our understanding of the Roman antiquarians' interests that this important piece of legislation is only mentioned as above: at least in what survives, there is no attempt to set out and to explain the provisions of this plebiscite, or to quantify its importance. This is more generally applicable: with the exception of some of the laws of the Twelve Tables, there is little evidence of any attempt by the Roman antiquarians to look at individual laws and their provisions. Of course, it was the province of the jurists to interpret legislation. But legislation such as the *plebisscitum Ovinium* had a profound influence on the institutions which so occupied the antiquarian writers. On the other hand, the latter neither ignored nor were ignorant of such legislation. Rather they seem to have adopted an essentially empirical approach: (apparently) they did not start with the legislation itself and go on to explain its effects, but started from the *status quo* and explained how this had been reached, and if legislation had played a role, then it was mentioned.

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209 This is how Varro explains *sublegere*, *LL* 6.66 ("qui in eorum locum suppositi, sublecti"). For a full discussion of this passage of Festus and its (several) associated problems cf. Willems, *op. cit.* (n.135), 1.153-73.

210 Cic., *Legg.* 3.3.7; Suet., *Jul.* 41.1; 76.1, 3; *Aug.* 35; Claud. 24.1; *Nero* 15.2; *Vesp.* 9.2. Cf., e.g., Fest., 339 *senatores*; *NA* 4.8.7; 17.21.39. Willems, *op. cit.* (n.135), 1.31 suggested that the reason we hear so little from all the ancient sources of the consular *lectiones* is because this might have been carried out each year as required and hence that there was nothing exceptional or noteworthy about it.

We know nothing of any ruling which might have curbed the free magisterial *lectio* of senators - it is perhaps unlikely that any existed - but it is clear that, certainly from Sulla's increase of the number of quaestors each year, senators were *de facto* all ex-magistrates. Here we return to the emphasis on the magistracies, for it is this *de facto* procedure which is at the centre of the antiquarians' interest (albeit limited) in this area, and it is a senate comprised solely of former magistrates that Cicero lays down in his *De Legibus*. He comments that this would be a popular measure since 'no-one will enter this highest order except by vote of the people, censorial co-option having been removed.' Thus Festus sees the holding of a magistracy as the qualification to be counted among the *seniores* which then gave one the right to be called a senator.[211]

Gellius also turns his attention (briefly) to the place of the tribunes in the senate, recalling that Ateius Capito had written that although the tribunes were not senators until the passing of the *plebiscitum Atinium*, they had the right to summon the senate.[212] We have already seen a noticeable interest in antiquarian and antiquarian-inspired literature in the tribunate of the plebs and one would expect this interest to extend to cover their relations with the senate. But besides this note of Gellius, such an interest may only be detected in works which lay outside the antiquarian tradition. Valerius Maximus tells us that 'it is worth remembering that the tribunes of the plebs used not to be able to enter the *curia*, but set up their bench at its doors and scrutinised with great care the decrees of the *patres* so that, if there were anything in them of which they disapproved, they could prevent them being passed.' It is, however, from Dio's epitomator Zonaras that we receive a full history of the tribunes' relations with the senate.[213]

Against the background of this virtual unanimity that senators should have held a magistracy, we can see Suetonius' notes on imperial adlection to the senate as recording exceptional actions, which, at least in the case of Julius Caesar, are not necessarily to be approved. Furthermore, we may note the

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211 Cic., *Legg.* 3.3.10; 3.12.27; Fest., 339 *senatores*.
212 *NA* 14.8.2; cf. 14.7.4.
213 Val. Max. 2.2.7; Zonaras 7.15. Cf. *StR* 3.862 n.1.

change in tone (from approval to disapproval) of Suetonius' account of Julius Caesar's filling of vacancies in the senate and at the same time increasing the number of praetors, aediles and quaestors to be appointed each year, and that of his inclusion of 'semi-barbarian' Gauls in the senate.

Before leaving the subject of the appointment of senators, particularly in connection with their having held a magistracy, I should note the remarkable fact that there is no trace in the antiquarian tradition of any mention of the transferral by Tiberius of the election of magistrates from the popular assemblies to the senate itself. The absence of this is especially noticeable in Suetonius' life of Tiberius, particularly when we consider that the *species libertatis*, which he says Tiberius introduced, was based on the conservation of the *maiestas pristina et potestas* of the senate and magistrates: as Mommsen noted, "der Senat selbst hat in republikanischer Zeit niemals sich selber ergänzt, nie Senatoren creirt."[214] The closest the antiquarians seem to have come to mentioning this radical change is Suetonius' note that Gaius "temptavit et comitiorum more revocato suffragia populo reddere." But there is no mention of when the *mos comitiorum* had been ended. Even if we remember that in general the antiquarian tradition seems not to have progressed beyond the learning and research consolidated during the Augustan principate, it still remains quite remarkable that no notice was taken of this innovation, which Velleius Paterculus indeed suggests was on the instigation of Augustus.[215]

Summary

The immediate and overwhelming impression is of the detail with which the antiquarians' accounts were packed. Yet, as noted at the beginning of this chapter, there are indications that this detail supported more general discussions. We should, however, probably assume that only a few works (the *Antiquitates* come immediately to mind) would have presented the full range of general and detailed discussions, for to do so would require a work of some considerable size. Most works probably restricted themselves to answering only particular queries. Thus we might see antiquarian writing, after the production of the great encyclopaedias of the first centuries B.C. and A.D., as dealing with less familiar matters, which arose in practice perhaps only infrequently. One might even see such works as a trouble-shooter's guide to Roman political life.

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214 Suet., *Tib.* 30; *StR* 3.863

215 Suet., *Gai.* 16.2. On the innovation cf. Vell. Pat. 2.124.3 (cf. 2.126.2); Tac., *Ann.* 1.15; *StR* 3.347f.; 3.863f.

Another feature of antiquarian writing on the magistracies is the frequency with which some influence of Augustus can be detected. Obviously this is more likely to be most pronounced in writing on the political institutions, but further research would probably also reveal the hand of Augustus in antiquarian writing on other areas: the Augustan marriage legislation, for example, may have some connection with the antiquarian interest in marriage and divorce.

On the other hand, the emphasis on detail can easily become or be seen as an interest in the esoteric aspects of institutions, or even trivia. We should not deny the elite of Rome an ability to be simply interested in some of the less obvious ways in which Rome functioned, just as today the details of the workings of, for example, British Sunday-trading legislation can be fascinating, if largely irrelevant.

From the mass of detail which has been presented above we can suggest how a Roman antiquarian scholar, such as Varro, would set about writing about the totality of any particular subject after he had done the initial research and using the methods which I discussed in Chapter Three. It is, however, unclear in which order he would have placed the following stages.

There may have been a brief introduction to the general nature of the subject; certainly its name would have been discussed, alternatives explained, and hence the original nature and purpose of the institution would have been presented principally by means of the etymology of its name. The contemporary nature and purpose of the institution would also be discussed, and any changes which it may have incurred over the years would be presented. Particular aspects of the institution in question would be examined: in the case of the magistracies these seem to have included their competences, duties, privileges and dress. It seems likely that a further section would have dealt with anything remarkable concerning the institution in question: this may have come in the form of, or within a chronological list, such as that of censors of which Verrius Flaccus' epitomator preserves a part. In other areas, this might conceivably consist of a chronological list of, say, those who had staged some particular games, together with any notable innovations.

It is easy to see, if we assume that existing fragments are representative of, and but a small part of what was once available, that the coverage of any particular subject by Roman antiquarianism was extremely thorough.

6 Conclusion

At the outset of this work I set out a hypothesis of what Roman antiquarianism was, and the ensuing chapters have enlarged on, tested and confirmed that hypothesis. I turn now to summarise the findings of this research and, having established what Roman antiquarian writing was, to make some preliminary suggestions as to its socio-intellectual context.

In what follows, as throughout this work, I have to make a number of assumptions in order to be able to make any progress. The major obstacle to our understanding of Roman antiquarianism is the poor state of survival of antiquarian literature. This is, of course, true of ancient literature in general, with the result that it is difficult to compare antiquarian writing with other genres. So it is difficult to see a dividing line between (say) natural history, geography, law, periegeses and antiquarianism; and this is compounded by the polymathic leanings of most ancient scholars. Few, if any, of those who have been identified as antiquarian writers in the present work, were exclusively such, and what is known of their bibliographies often reveals antiquarianism to be but one of many interests. The major assumption which has to be made is, therefore, that the surviving fragments are representative of what is now lost.

Similarly, we cannot usually check whether something which might be attributed to Varro was indeed discussed by him, let alone whether it has been reported accurately, though to proceed at all in the study of Roman antiquarianism, it must be presumed that Varro did at least deal with matters which are so reported, that the reports must have had some verisimilitude in order to have some credulity, and that there would be some who would have some idea of the content of Varro's work and the conclusions which he reached,

even if they might have been in no position to object to the incorrect reporting of Varro. Similarly, although we should accept that the dramatisation in the *Noctes Atticae* and of other dialogues is just that, and not the reporting of real events, such scenes must have verisimilitude, for otherwise they would have little point.

I also need to assume that the known antiquarian writers were not unique, and that they do not represent a tiny minority of eccentrics, but rather are simply those representatives of a wider tradition who are known today, and whose interests reflect those of the elite of Roman society. It is also important to remember that, although a particular writer might be drawing heavily on a source for his information and/or the way in which that information is structured, somebody must originally have been responsible for accumulating that information and/or constructing his account in that manner: consequently I also need to assume that the known writers and works are typical of those who are less well known.

1. The Antiquarian Tradition

It would indeed be a very unusual society that could define itself in the present without reference to the past. Ancient Rome celebrated her past not only in historiography and epic poetry, but also in what has been characterised in the present work as antiquarian writing. Three aspects of Roman antiquarian writing suggest the existence of a tradition of antiquarian writing in ancient Rome: its long history; the methods and characteristics which the antiquarian writers have in common; and the interests which they share.

a) The history of Roman antiquarian writing

Turning to the first of these, the history of antiquarian scholarship at Rome, it is immediately evident that there existed a not inconsiderable number of antiquarian works which explored Rome's past in a more scholarly, less literary manner than did historiography. Historiography and antiquarian writing emerged together at Rome early in the second century B.C., and it would seem to be only with the development of the *Kunstprosa* of historiography that antiquarian writing, which did not share its artistic aspirations, became recognisable as a distinct mode of enquiry into Rome's past. The first such

antiquarian works seem to have been produced in the later second century B.C. by men such as M. Junius Gracchanus, though the elder Cato's writings may already have had some antiquarian content. In the earlier half of the first century B.C., Aelius Stilo is the most prominent among a number of shadowy scholars who contributed to antiquarian scholarship. Not least of Stilo's contributions was undoubtedly his role in the education of Cicero and Varro. Cicero evidently had some sympathy with antiquarian scholarship, and made use of antiquarian material on a number of occasions, most notably in the works *De Re Publica* and *De Legibus*, though he never, as far as we know, wrote an antiquarian work. Varro, however, became the antiquarian scholar *par excellence*, and was apparently regarded as such by contemporaries and certainly by later scholars. It is worth recalling at this point that there was no Latin word for an antiquarian scholar, and that those who are here called antiquarians were simply writers or scholars whose interests included antiquarianism: Varro was regarded as the supreme authority on such matters. I shall return to 'antiquarian subjects' below.

The Varronian *oeuvre* represented the acme of Roman antiquarian writing. Varro's *Antiquitates Rerum Humanarum et Divinarum*, which may even have introduced the term *antiquitates* for antiquarian studies, formed the most important source for later antiquarians and other scholars, such that most surviving antiquarian material is probably derived originally from the *Antiquitates*. It is interesting that the *Antiquitates* seem to have also provided a resource for Varro's other works: this implies either that Varro's drive for self-promotion led him to produce as many works as possible from the same basic research (though he was not, of course, seeking something like an academic post, since like all the Roman antiquarian scholars, Varro was an amateur), or that the *Antiquitates* was too large and too complex a work for wide consumption, while at the same time not covering all matters to the depth which Varro felt was necessary. Reality probably combined these two possibilities: it is worth noting that much post-Varronian antiquarian writing can be seen as attempts to make Varro's learning more accessible. The clearest example is that of Verrius Flaccus who seems to have been the first to increase accessibility of the existing body of knowledge by imposing an alphabetical order on it.

The overall impression is of the vast, indeed overwhelming, influence of Varro, though it is difficult to show this in detail, and whilst Varro's importance is undeniably great, it is difficult to identify the precise grounds for that importance. As far as we know Varro's works formed the first complete encyclopaedia of Roman *Wissenchaft* (which was no slight achievement), though remarkably little of Varro's output survives, and it is unclear whether Varro's importance lay in an innovative approach to the study of the past, in widescale original research and thought, or simply in being the first to collect and collate existing research. Again, all three doubtless contributed: it is unlikely that in compiling his works he did not on occasion have to add the results of his own research to that contained in his sources, and his use of documentary sources tends to confirm this; yet there are also occasions when the names of earlier writers are mentioned along with that of Varro, or are cited by him. Varro's overwhelming dominance of Roman scholarly writing has concealed the contribution of earlier, contemporary and later scholars, for the definitive authority of Varro's name could eclipse that of an intermediary source. It is quite remarkable that we should have so little of such influential works.

Antiquarian research seems to have thrived at times of crisis or change: the two major flowerings of antiquarianism were at the time of the Gracchi and at that of the civil wars of the late Republic and the establishment of the Augustan Principate. The works produced in these periods, but particularly the second, seem to have set the focus for all subsequent antiquarian writing, just as the constitutional changes in those years largely formed the basis of political life under the emperors. After this time, antiquarian writing continued, but seems to have been largely subsumed into a trend towards the collection of diverse areas of knowledge into single works, or in other words the compilation of encyclopaedias. It is interesting that Macrobius not only sees Vergil as a great poet, but also uses him as an encyclopaedia of antiquarian information.

Antiquarian writing was of particular, practical use to Augustus in that it could provide authoritative precedents and arguments for the workings of the Principate. But antiquarianism also remained an interest of at least those circles of Roman society of which we have a record throughout the Principate and on into late antiquity, when it shows little sign of ceasing to be of interest. Indeed it

seems likely that further research would show a continuous tradition of antiquarian studies from Varro through to the antiquaries of the Renaissance and later. The mere existence of a tradition of antiquarian writing at Rome suggests that antiquarianism was of interest to many of the educated of all periods. That much antiquarian information is found in encyclopaedic works such as Pliny's *Naturalis Historia* and Gellius' *Noctes Atticae* confirms that antiquarianism was a central discipline in the intellectual life of Rome.

Whether or not antiquarianism enjoyed phases of fashionability in the imperial period is difficult to assess, for there is a more or less continuous thread throughout the period, linking eras of evident interest in antiquarian matters, as represented in, for example, the works of Ateius Capito, the younger Seneca (whose criticisms must have had an aim), Suetonius, Aulus Gellius, Macrobius, and continued by such as John Lydus, Isidore and Petrarch. While these figures, whose works are known today, now represent highlights, there is no indication of a waning of interest in antiquarian studies between them. Similarly, such as Pliny and Gellius did not see themselves as somehow 'rescuing' knowledge; and the sense that such as Macrobius and Lydus were rescuing their antiquarian information from oblivion in order to restore a lost past may be more our perception than theirs, though Lydus' distance - in time, space and culturally - from his subjects naturally results in a larger element of restoration in his works. We simply do not know whether the extracts and information preserved by (say) Gellius are those which were not well known, perhaps even almost lost, or part of a common patrimony. I shall return to the subject of the aims and motivation for antiquarian writing below, but should now continue with the second of the factors which suggest the existence of a tradition of antiquarian writing, the methods and characteristics which recur in the works of the Roman antiquarians.

b) The nature of Roman antiquarian writing

Roman antiquarian writing is most simply described as the scholarly study of Rome's past. 'Scholarly' in that it made no pretensions to a high literary style, largely disregarded the demands of rhetoric and sought to provide an account firmly based on what were then recoverable and perceived as the facts,

sometimes derived from documentary sources. The account thus provided was not chronological, but systematic. It should be stressed that this systematic organisation represents an intellectual advance on the chronological organisation of material. Rawson rightly drew attention to the intellectual achievement of the Roman scholarly writers of the late Republic, particularly Varro, in having developed and applied a logical organisation of the material in their works:

> The Roman attempt to organise almost the whole body of their knowledge into a series of systematic and comprehensible wholes ... can be seen as a development in intellectual history of great importance for later times. This attempt probably began before the first century B.C. opened, and continued to make more measured progress after it closed. But the earlier and middle first century is that of its most enthusiastic, indeed sometimes over-enthusiastic, adoption.[1]

The essential characteristic of Roman antiquarian writing is, then, that it is systematic, non-rhetorical and non-literary writing on the past.

Indeed, antiquarianism at Rome might be seen as a valuable, if not necessary parallel and supplement to historiography, where the demands of style could outweigh those of accuracy. Antiquarian writers at Rome were doing something in a sense more sophisticated than writing history: rather than looking at the whole range of whatever, starting at the beginning and progressing chronologically, they selected from it the particular aspects on which they would concentrate. Much antiquarian writing seems to have taken the form of monographs: thus we hear of, for instance, Cincius' *De Comitiis*, Nicostratus' *De Senatu Habendo*, Ateius Capito's *De Pontificio Iure* and the various monographic works of Suetonius. Indeed works such as Varro's *Antiquitates* and Capito's *Coniectanea* can be seen as compilations of monographs, each of their parts being self-contained. Verrius Flaccus' *De Verborum Significatu*, Pliny's *Naturalis Historia* and Gellius' *Noctes Atticae* are clearly exceptions in that they cover a large variety of topics; but then their nature is also exceptional and they are not antiquarian works, but works which include antiquarian scholarship. (It is worth noting, however, that each of Gellius' articles is self-contained.)

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1 E. Rawson, 'The Introduction of Logical Organisation in Roman Prose Literature', *PBSR* 46 (1978), 12-34, p.12.

Thus, resulting from its systematic nature, one might see antiquarianism as a thematic approach to writing about the past. The structure of Varro's *Antiquitates* provides very clear evidence of this: the history of the various components of the Roman political machine were analysed separately, and we have little trace of any section of the *Antiquitates* in which Varro brought together his isolated researches and linked together the history of, for example, the priesthoods, the popular assemblies and the magistracies, in order to form an overall view of the historical development of the Roman state. Antiquarianism simply did not do this: instead the various subjects of its interest, such as the magistracies with which I have dealt above, remained in isolation.

This perhaps reflects one aim of antiquarian works: to serve as reference works, for it would naturally have been more useful for someone who needed a clear summary of the history and/or nature of an institution (whether of public or private life) to turn to the relevant section of, say, the *Antiquitates* than it would be to read through a history *ab urbe condita*. Thus, to solve a query about the relative standing of magistrates, Gellius knew to turn to Book 21 of Varro's *Res Humanae*, and probably to which section of the book he should turn. That even the historians recognised this as a possible shortcoming of their own works is suggested by the existence of 'antiquarian digressions' in histories, such as Tacitus' account of the urban prefecture, or Dio's of the tribunate. Such antiquarian digressions assist the reader by providing background information which could not be incorporated into the historian's narrative. Yet these are neither in-depth analyses, nor could they stand alone, for they are related specifically and integrally to the narrative: as Millar comments (of Dio), "It is clear that, just as there was no overall interpretation of history, there was no detailed analysis of historical events. Narrative ruled supreme and Dio's comments are mere adornments to it."[2]

When we turn to the individual characteristics and methods of Roman antiquarian writing, it is often difficult to tell whether they are particular to antiquarianism or are those of Roman scholarship in general, not least since we still await a full study of the methodology of Roman scholarly writing. Initially,

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2 *NA* 13.12; 13.13; 13.14; Tacitus, *Ann.* 6.11; Dio, *ap.* Zonaras 7.15. F. Millar, *A Study of Cassius Dio* (Oxford, 1964), 77.

of course, the methods and concepts fundamental to Roman antiquarian writing were taken from Greek works, and indeed Dahlmann has suggested how large Varro's debt to Greek scholarship might have been: 'Like no Roman, he found no new disciplines and did not apply new methods. In the *Antiquitates* Varro seems to have followed Stoic philosophy on religion; in the *De Lingua Latina* Stoic and Alexandrian linguistic theory; Peripatetic literary history in his own literary researches; Castor's chronography in the *De Gente Populi Romani*; Dicaearchus' Βίος Ἑλλάδος in the *De Vita Populi Romani*; Callimachus in his *Aetia*; Hellenistic *Fachliteratur* in the *Disciplina*; and Eratosthenes in matters of geography.'[3] These were indeed probably the bases of the inspiration for Varro's works, but the subject matter of Varro's works, and of all Roman antiquarian writing, was exclusively Roman; and so exclusively Roman that we may speak of a Roman antiquarianism without reference to any Greek parallel.

In ancient Rome antiquarian scholars seem to have been generally perceived as being learned men who pursued their often interdisciplinary studies in a scholarly, almost professional manner. Undoubtedly Varro's is the name most frequently mentioned, and invariably praised in such terms as 'the most learned man of his time'. Similar expressions of appreciation are extended to all those who followed Varro in writing antiquarian works, and they are generally allotted four essential attributes: erudition, scholarship, expertise and diligence (*eruditio, doctrina, peritia* and *diligentia*).

This is positive terminology, but equally important is the absence of the use with regard to antiquarian scholars of its negative counterpart, particularly *curiositas* and its cognates, which, with its overtones of pedantic over-inquisitiveness and time wasting, one might have expected to be used of antiquarian scholars by their critics. The nearest we find to criticism of antiquarianism comes from Seneca who, in attempts to show the intellectual ascendancy of philosophy, complains of the scholar's (that is, the antiquarian's) devotion to the explanation of matters of detail relating to the past.[4]

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3 Dahlmann, 'Varro', 1180.
4 Sen., *Epp.* 88; 108; *Brev. Vit.* 13.

The use of details to make a more general point, if indeed a general point is explicitly made rather than merely suggested, is apparent, for example, in Suetonius who, as Wallace-Hadrill has observed "homes in only on the detail that directly illuminates" his subject; and Rawson noted that the Roman scholars "find it genuinely difficult to get away from particular cases to form general rules and definitions." This emphasis on detail recurs in all surviving antiquarian literature, and can be detected in the remains of Varro's writings: in the *De Vita Populi Romani* he even compares himself with a painter of miniatures, Callicles; and indeed the vast majority of Varronian fragments deal with matters of precise detail, though the fact that these are fragments means that it is impossible now to know whether more general matters were discussed in what does not survive, and if so, to what extent he also focussed on generalia.[5] Yet it remains significant that all that is preserved in the antiquarian tradition is the detail.

It is interesting that Pliny, Gellius and Macrobius are aware that they may be accused of dealing in obscurities and trivialities. Their defence is that these matters are 'worth knowing' since they go to make up a wider picture (which they do not present): the general 'philosophy' of the Roman antiquarian scholars thus seems to have been that, in order to understand something, for example, an institution or a word, it was necessary to know and understand all the details of its history. Hence, incidentally, also the prominence accorded to etymological explanation in Roman antiquarianism. This approach can, of course, work the other way round: something of the past, or something in some other way alien, can be explained by reference to a modern counterpart, with which the audience should be familiar.

These are perhaps three of the most important features of Roman antiquarian writing: the discussion of specific details, rather than the construction of a general picture, with which it would often seem the audience is supposed to be familiar; a predilection for explaining whatever is under discussion by reference to its origins, often only discussing subsequent developments where they radically altered the original institution to produce its contemporary descendant. This is perhaps worth stressing, for a number of fragments indicate that the

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5 Wallace-Hadrill, *Suetonius*, 15; Rawson, *art. cit.* (n.1), 32. Varro, *De Vita Populi Romani* frg. 1 Rip.

antiquarians were often more concerned with explaining the contemporary nature and purpose of an institution, than with tracing in full its historical development. The third characteristic can be connected with both of the previous two, though particularly the latter: the use of the etymology of the name of whatever is under discussion as an integral part (sometimes even the sole basis) of its explanation.

There are in addition a number of other characteristics which recur in antiquarian writing. Firstly the antiquarian writers display a certain awareness of belonging to a tradition of antiquarian writing by their acknowledged dependency on works by earlier antiquarians, particularly Varro, though we may sometimes suspect that later antiquarians' knowledge of the Varronian *oeuvre* came through intermediaries, particularly Verrius Flaccus and Ateius Capito: the names of such intermediaries were perhaps suppressed both to enhance the appearance of a writer's *diligentia* in seeking out a text of Varro and also because of the supremacy of Varro's *auctoritas*. Of course the desire to demonstrate wide reading means that Varro's name is not the only one to be cited: Pliny and Gellius, for instance, provide a bibliography of works similar to their own, with the implication that they are familiar with those works, and the assertion that their own works are superior.

The antiquarian scholars were not, however, limited to the use of literary sources for their information: they also made more use of the evidence of monuments and inscriptions than might be assumed, though often in conjunction with literary sources. For the antiquarians of the imperial period such evidence seems mainly, though not exclusively, to have served as confirmatory of the explanations of Varro and his immediate successors. In addition to the use by such as Suetonius of epigraphic evidence to add to knowledge, it is still significant when epigraphic and numismatic evidence is merely mentioned (perhaps even in passing), since it indicates the antiquarians' awareness of the value of such material.

An interesting characteristic of Roman antiquarian writing is the desire to provide the reader with a range of alternative views, often leaving the reader to make their own decision between the views thus presented. In the case of Gellius, this almost becomes (or perhaps reflects) a personal character trait, in

that he seems in normal circumstances completely unable to make a decision: as noted in Chapter 3 above, when the *Noctes Atticae* is read through in its entirety, this unwillingness to commit himself almost becomes tedious through its repetition. If, however, the work is read as Gellius intended, that is in no particular order, following whatever takes the reader's fancy then this can be seen as part of Gellius' educational intention, for it represents the teacher's attempts to get his students to reach a decision for themselves; and indeed Gellius twice says that he has left the matter open in order to exercise our minds.[6] The accumulation of several explanations can be detected in Suetonius, Pliny, Verrius Flaccus, Varro, Plutarch's *Roman Questions*, Macrobius and elsewhere: a statistical analysis of antiquarian vocabulary would probably reveal a greater than average frequency for words such as "sed", "autem" or "tamen", marking an alternative explanation.

Other characteristics which recur to a greater or lesser degree in antiquarian writing at Rome may also be found in other scholarly writing. Much of ancient scholarship seems to have proceeded by a question-and-answer process apparently derived from the edition and commentary of Alexandrian scholarship. In Roman antiquarian writing this method is reflected in two ways: by the definition, often etymological, of the subject, followed by its further elucidation; and by the use of lemmata or section headings. While the latter only occasionally take the form of a question, and indeed are sometimes not distinguished from the main body of the text, the method is usually apparent: the subject is briefly stated (often one word suffices) before its explanation begins. In some works - perhaps these might be seen as more advanced works - the lemmata are omitted, yet the method is often still apparent in the systematic, or rather thematic nature of the work's composition: this progression by means of implicit rubrics is perhaps most apparent in Pliny's *Naturalis Historia*. A further refinement to this systematisation occurs when some alphabetical order is imposed on a work's contents: this is most apparent in Verrius Flaccus' *De Verborum Significatu* and its epitomes, though it can also be detected elsewhere, for instance in the elder Pliny's lists of artists or gemstones.

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6 *NA* 12.6; 19.14.5.

Once a work was arranged in such a systematic nature, it was a natural progression to outline the order in which subjects were treated, for, unlike historiography with its chronological basis, there was no obvious/accepted order of treatment for antiquarian works. Varro seems to have used the opening sections of his works and their component books to outline what was to follow. We see this, for instance, in the *De Lingua Latina*, at the start of Book 5, which also begins a new section of the work (that dedicated to Cicero). We may also detect the remains of such summaries from the first book of the *De Vita Populi Romani*, the twentieth book of the *Res Humanae* and elsewhere: Augustine's summary of the contents of the *Antiquitates* is probably based on one provided by Varro, rather than Augustine's own rationalisation of the contents of that vast work. Varro does not, however, seem to have made use of what is probably the next sophistication which the presentation of scholarly works underwent: the provision of an index or list of contents. The first known index in a work by a Roman writer was provided by one Q. Valerius Soranus, a contemporary of Aelius Stilo, Varro's teacher: the elder Pliny informs us that Soranus had included a list of contents at the start of his work entitled Ἐποπτίδες, of which little else is known.

It is interesting to consider that the provision of lemmata and indices would be more helpful in the context of personal consultation of these works for reference purposes, rather than their public or private reading as works of literature. It is worth bearing in mind that public recitation as a means of publication was no doubt reserved primarily for works which were regarded as literary. One would imagine that works such as Varro's *Antiquitates* and Verrius Flaccus' *De Verborum Significatu* were singularly ill-suited to public declamation, and indeed they seem to have been designed to be reference works. Particularly in view of their scale, such works must have had a limited circulation, which would partly explain their poor survival, and few could or would aspire to own something like the *Antiquitates*. Atticus *may* have had a copy; Cicero did not, and references to the work often suggest that it has been consulted in a library. We should perhaps not underestimate the extents to which the libraries of Rome served as reference institutions and to which works were written for deposition in them. Many of Varro's works must have remained largely inaccessible, both

in terms of the works' size and the restricted number of copies available, and this seems to have been met by Varro's own production of epitomes of, for example, the *Antiquitates* and the *De Lingua Latina*; similarly Festus' epitome of Verrius Flaccus' *De Verborum Significatu* probably had a similar purpose, and it is perhaps not entirely irrelevant that Mommsen also produced an *Abriß* of his own *Römisches Staatsrecht.*[7] I shall return to the question of the aims of antiquarian writers.

The basic method, or rather preparation, used by the Roman antiquarian scholars was of course reading, and this often appears as wide reading, even allowing for passing off as one's own research a reference gained from an intermediary. The elder Pliny's claim to have read some two thousand *volumina* is well known, though more interesting is the activity concurrent with this reading, or listening to someone reading: the taking of notes and the making of excerpts (again, the younger Pliny's inheritance of 160 papyrus rolls filled on both sides with minuscule notes will be familiar). The method of excerpting has been examined by Skydsgaard who traces it back to the Alexandrian scholars and shows its application also by Cicero, Plutarch, Livy and Dio.[8]

Gellius and Pliny give us a list of the works which they (would like the reader to think that they) have excerpted. Gellius insists that the articles in the *Noctes Atticae* are in the essentially fortuitous order in which he picked up the notebooks containing his excerpts, though there are sometimes indications of Gellius' editorial hand in the separating of articles which share the same source or subject matter, by ones of unrelated content. Pliny's treatment of his excerpts is more sophisticated than that of Gellius or Verrius Flaccus, for he has imposed a structure on his work more complex than a simple alphabetical order: he has created a literary whole from them, though it is worth remembering that even Verrius Flaccus, Gellius and Macrobius have done rather more than simply copied out the excerpts of their reading.

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7 T. Mommsen, *Römisches Staatsrecht*[3] (Leipzig, 1887-8); *id.*, *Abriß des römischen Staatsrechts* (Leipzig, 1907).

8 *NH* Pref. 17; Pliny, *Epp.* 3.5.10, 17; Skydsgaard, *Varro*, 101-116.

The realisation that the early dramatists were a valid source of information on both the Latin language and ancient life is noteworthy, for it reveals a more advanced mentality than might be presumed. It is worth stressing that, in a quite sophisticated manner, the antiquarian scholars (and no doubt others) were able to collect material from several sources, including documentary, epigraphic and autopsy, to produce a coherent account on a particular topic. Repeatedly one gets the - probably erroneous - impression of some sort of filing system at work. Similarly, of course, they selected information on a number of topics from a single source: Gellius is particularly adept at dismembering a continuous account to provide information on several topics. It would be interesting to know what degree of 'wastage' there was (in terms of material which ultimately remained unused), for this would give us some indication of the extent to which the antiquarian scholars did their basic research with a clear picture of the intended work in their mind, and hence of their efficiency. Both the younger Pliny tells us that his uncle, and Gellius tells us that he himself would make excerpts from everything which they read.[9] A 'literary store' would seem to have been a common possession: the phrase is Gellius'; Pliny had his double-sided papyrus rolls; Plutarch refers to his notebooks (ὑπομνήματα); and others too had their ὑπομνήματα or *commentarii*.[10]

This sophistication in the use of their sources puts the antiquarians beyond being mere 'compilers', as they have sometimes been regarded, apparently on the basis that they cite their sources, which they do with some accuracy. Another criticism directed at the Roman antiquarian scholars - for instance by Della Corte at Suetonius - is that they have a timeless view of the past and lack the general, conceptual idea of history in order to set someone or something in its historical context.[11] This is of course a failing in terms of modern attitudes to and expectations of writing on the past: indeed to ignore the wider socio-historical context of one's findings might today render one open to an albeit ill-defined charge of antiquarianism. But this was not something expected of the Roman antiquarian scholars by their contemporaries. Seneca does indeed

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9 Pliny, *Epp.* 3.5.10; *NA* Pref. 2.

10 *NA* Pref. 2. Cf. 9.4.5, 12. Plutarch, *De Tranquillitate Animi* 1. Cf. Skydsgaard, *Varro*, 102-115.

11 Della Corte, *Svetonio*, 155. Cf. Wallace-Hadrill, *Suetonius*, 32.

criticise the antiquarians for their emphasis on detail. But his purpose is not to encourage the antiquarians to take a wider historical view; rather he is concerned to show the superiority of philosophical studies. One is reminded of Fronto's attempts to win his pupil Marcus Aurelius away from philosophy and onto the straight and narrow of rhetoric. Ancient historiography provided the general overviews of the past, and we cannot criticise the antiquarian scholars of Rome for not writing history.

As we have seen, however, this does not mean that the antiquarian scholars had no sense of historical perspective. There remains, of course, the problem of the incomplete transmission to us of Roman antiquarian writing: we no longer have the complete coherent account of an antiquarian scholar on any subject. It is, however, unlikely that antiquarianism ever placed any great emphasis on the relation to wider changes in the political, social or economic situation of the changes and institutions which it discussed.

But it is worth stressing that by its recording and discussion of the creation of institutions and the changes which they underwent, antiquarianism shows itself aware of historical, social and economic change and progress. 'Progress' is, of course, difficult to define, but the antiquarians were very clearly aware that the age in which they lived was more advanced than that which had gone before, though in general 'the age in which they lived' was ill-defined and often stretched from the late first century B.C. onwards, and the bygone age tended to be taken to be that of the early Republic, the regal age and before.

It is possible to see the antiquarians' reliance on etymology for explanations as one result of their observation of and interest in change: the origin or original meaning of something's name is taken to reflect its original nature and purpose; and so the development of that something is reflected in the changes in the meaning of its name. And it is noticeable that the antiquarians were able, in what should be seen as a quite advanced manner, to perceive and trace the changes in the meanings of words.

c) The interests of Roman antiquarian writers

Roman antiquarian writers had largely encyclopaedic interests and their writings encompass a very wide range of subjects. They were indeed less 'antiquarian writers' than 'writers whose interests included antiquarian scholarship'. Similarly, it would be inappropriate to attempt to define Roman antiquarianism by reference to the subjects which it covered: it is better defined as a mode of thought and method of approach to the study of the past. Hence I have discussed the characteristics and methods of antiquarianism, before turning to its interests.

Antiquarianism merged easily into grammatical, literary, historical and legal scholarship: there was a tendency towards encyclopaedic coverage, both in terms of breadth of subjects and of the reference nature of many works, information being presented as a summary of facts, with the minimum of narrative; many works may have assumed a basic knowledge of history, or at least dealt with it in distinct sections, of which we now have no trace. Hence antiquarian scholarship could cover all aspects of Rome's past, and those aspects of the present which were to be explained by reference to the past. Naturally, however, certain aspects lent themselves better to the systematic nature of the antiquarian treatment. Indeed certain subjects seem 'traditionally' to have become objects of antiquarian treatment and interest: it almost seems that works on Roman religion and its institutions, or on the magistracies, were antiquarian by definition.

The Roman magistracies provide a good example. Not only do we possess some fairly coherent fragments dealing with the magistracies from writers who have been characterised above as antiquarian, but also we have some antiquarian-influenced passages concerning magistracies from writers who would not be regarded as antiquarians. Dio's narrative can assume an antiquarian air, as for instance when he digresses on the tribunate, and such is also the case for Tacitus, for example in his digression on the urban prefecture.[12]

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12 Zonaras, 7.15; Tacitus, *Ann.* 6.11.

It would seem that the history of the magistracies could serve as an outline of Roman history: as we have seen, Tacitus opens the *Annals* with a summary of the history of Rome up to the establishment of the Principate, this summary taking the form of a brief sketch of the development of the Roman magistracies; and the emperor Claudius outlined Republican history in precisely the same way.[13] Yet at an early stage in the development of historical writing at Rome the magistracies had become a subject for separate, apparently antiquarian enquiry. Rawson rightly saw that "the first great political crisis of the late Republic, during the Gracchan period, contributed to the emancipation of antiquarianism from historiography."[14] Thus we find two works written apparently in response to the Gracchan crisis, the *De Potestatibus* of M. Junius Gracchanus and the *Libri Magistratuum* of C. Sempronius Tuditanus. These are the first known works to deal with the magistracies *per se*, and presumably sought to establish clearly the precedents for and limits of the competence of magistrates. Given the complexity at which the Roman state had arrived by the late second century B.C., it is worth bearing in mind that the need would by now have arisen for procedural handbooks or similar guides to the government of the state; and the recognition of this need and the compilation of such guides can only have been accelerated by the constitutional dilemmas arising in the Gracchan period. Antiquarian writing may have been an attempt to stabilise the political world by establishing the norms of political behaviour.

Besides the magistracies, we can still detect an antiquarian interest in Rome's other political institutions. The senate was an institution closely connected to the magistracies, and the apparent emphasis in the fragments on the senators themselves, rather than seeing the senate as an institution *per se*, combined with the interest in the magistracies suggests that antiquarian writing reflects much of the interests of the senatorial elite. Suetonius appears particularly concerned with the maintenance of *senatoria dignitas* and similarly the section of the *Digest* which is *de senatoribus* concentrates on the status and rank of senators and their families.[15] The interest in the privileges and duties of senators extends to certain aspects of their dress, particularly their footwear: this also reflects the

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13 Tacitus, *Ann.* 1.1; *ILS* 212.
14 Rawson, *Intellectual Life*, 234.
15 Cf., e.g., Suet., *Jul.* 4.11; 76.3; *Aug.* 35; *Nero* 15.2; 37.3; *Vesp.* 9.2. *Digest* 1.9.

antiquarians' interest in costume. Mommsen rightly drew attention to the curious fact that, while tradition - as represented mainly by antiquarian writing - had an explanation of the origin of virtually everything, it is now silent about the origin of the *latus clavus*.[16]

The emphasis on the interests of the senatorial elite is largely substantiated by antiquarian writing on religion which tends to concentrate on the priestly colleges, the members of which were largely drawn from that elite. Yet it may also be merely the accident of transmission, and indeed Gellius has one article which presents a range of information about the senate, drawing (ultimately and indirectly) on Varro's Εἰσαγωγικός *ad Cn. Pompeium*: it is interesting to consider that there is no indication that Gellius was a senator, and that the Εἰσαγωγικός was written as an introduction to the senate and its procedures for one (Pompey) who had never entered the *curia*.[17] In what remains of antiquarian writing on the senate there is also a marked interest in the locations where meetings of the senate could be held: a similar interest recurs in other areas of antiquarian interest, such as religious institutions (where temples, shrines and similar receive much attention), and points toward a periegetic tendency of much antiquarian scholarship.[18]

Religious institutions are strongly represented in what survives of Roman antiquarian writing, but we should beware of allotting too great an importance to this aspect of Roman antiquarianism, for we owe the survival of most fragments on religion to the Christian writers, of whom Augustine is particularly important. While the preservation of these fragments is extremely valuable, it must be remembered that the Christian interest in the pagan past has seriously unbalanced the surviving remains of Roman antiquarian writing. To begin to catalogue what survives of antiquarian writing on religion would, however, rapidly exceed the bounds of this work: an idea of the range of the antiquarians', or at least Varro's studies in this field may be gained from what Augustine has to say of the institutions and rites of Roman paganism and from the edition and commentary

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16 Fest., 142 *mulleos*; *NH* 9.17.65 (citing Fenestella); *QR* 76; Serv., *Aen.* 8.458; Lydus, *Magg.* 1.7; 1.17. *StR* 887 n.4.

17 *NA* 14.7.

18 Cf., e.g., *NA* 14.7.7; Fest., 285 *religioni*; 347 *senacula*; Paul., *Fest.* 49 *curia*; Varro, *De Vita Populi Romani* frg. 70 Rip.; *LL* 5.13; 5.155f.; 6.46; 7.10; Serv., *Aen.* 1.446; 7.153; 11.235.

on Varro's *Res Divinae* by Burckhardt Cardauns.[19] It is, however, worth noting that there is an emphasis in what survives on the priesthoods, particularly their various competences, most interest being shown in the *flamen Dialis*, the augurs, *fetiales* and the Vestals.

An interest in games is widespread among the antiquarian writers, much of this no doubt originating in Books 9 and 10 of the *Res Divinae*, which were *de ludis circensibus* and *de ludis scaenicis* respectively, though Suetonius' *Ludicra Historia* were no doubt also important for later writers.[20] It is unclear how far the antiquarians regarded games as religious institutions: they were aware of their religious origins, but few of the fragments suggests any deep interest in their religious character, which was by the late Republic in any case subsumed below their value as spectacle. Certainly, Suetonius in his *Caesars* is most interested in games as spectacle.

There was also considerable antiquarian interest in the calendar, which again had religious origins and retained religious connotations: the existing fragments concentrate on the explanation of *dies atri, dies fasti, dies nefasti, nundinae* and so on, and the division of time, particularly of the day. It is worth noting that these matters are those which would probably most affect the elite in practical terms in that, for example, they affected the working hours of the senate.[21]

The problems of the (lack of) survival of texts make it difficult to be certain, though the indications are that there was less interest in other institutions. Such is the case for the development of the equestrian order, most interest being

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19 B. Cardauns, *M. Terentius Varro Antiquitates Rerum Divinarum* (Wiesbaden, 1976).

20 We also know of lost works by Varro *De Actionibus Scaenicis, De Scaenicis Originibus; De Actibus Scaenicis* and the *Theatrales libri*, if this is not a general title for the previous three. Augustine is again an important source (cf., e.g., *CD* 6.7; 7.21), as is Tertullian, *De Spectaculis*.

21 *NA* 4.9.5; 5.17; 7.7.6f.; 8.1; 10.24; 20.1.42; *LL* 6.3 - 6.34 (at 6.18 Varro refers the reader to the *Antiquitates* for further details: *RH* Books 14-19 were *de temporibus*); Varro, *De Vita Populi Romani* frg. 18 Rip.; Plut., *QR* 19, 24, 25, 84; Macrob., *Sat.* 1.14-16; 3.2.13; Suet., *Jul.* 40; *Aug.* 31; *Gai.* 15; 16.4; 17.2; *Claud.* 11.3; *Nero* 55; *Dom.* 13.3; Fest., 178 *nonarum, nundinas*; Paul., *Fest.* 38 *comitiales dies, conciliabulum, concilium, contio*; 41 *conventus*; 50 *cum populo agere*; 86 *ferias*; 87 *fastorum libri*; 93 *fastis diebus*; 225 *procalare*; 259 *quandoc rex comitiavit fas, quandoc stercus delatum fas.* Note also Ovid's *Fasti* and the work *de fastis* of L. Cincius (cited by Macrobius, *Sat.* 1.12). Division of year, month, day: *NA* 3.2 (citing the book *de diebus* of the *RH*), *QR* 19, 84; Censorinus, *De Die Nat.* 20.2 (citing Fenestella, Junius Gracchanus, Varro, Suetonius *et al.*); *NH* 2.17.81; 2.78.187-2.79.188; 7.60.212-215; Macrob., *Sat.* 1.3; 1.4.17ff; 1.12; 1.13.

shown by the elder Pliny. Suetonius documents the reforms of the equestrian order or career structure introduced by the emperors, as well as the *recognitiones equitum*, which are Gellius' main concern regarding the equestrian order.[22] A similar level of interest is evident in the popular assemblies, most interest being shown by Gellius and Verrius Flaccus, though the latter referred to Varro's discussion of *praerogativae centuriae* in Book 6 of the *Res Humanae*, which would suggest that Varro dealt with the various *comitia* and *concilia*, presumably as exhaustively as he seems to have done other institutions.[23] Rawson noted the antiquarian interest in military institutions, concluding that "here the antiquarian tradition is revealed as better than the annalistic": it is interesting and characteristic for antiquarian writing that military tactics and tales of heroism appear very rarely, and then only if they help explain the name or origin of some custom or institution of the army.[24]

One further institution which governed life in ancient Rome and which was of interest to antiquarian scholarship was the civil and criminal law. This was, of course, the province of the jurists, but there were many points of contact between legal and antiquarian literature, and a considerable proportion of what is today known of Roman law, particularly its development, comes from writers whom I have characterised as antiquarian: as Wieacker notes,

> die rechtshistorisch ergiebigsten erhaltenen Werke sind Varros *libri de lingua latina*, A. Gellius' *Noctes Atticae*, der Verrius-Auszug des Sex. Pompeius Festus und dessen Epitomierung durch den Langobarden Paulus Diaconus und die Notae (Siglen) des großen Grammatikers Valerius Probus, die *Compendiosa doctrina* des Grammatikers Nonius Marcellus ... sowie die Vergilkommentare des Grammatikers Servius.[25]

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22 *NH* 33.7.29; 33.8.32-33.9.36; Suet., *Aug.* 38-40; *Gaius* 30.2; *Claud.* 6.1; 25; *Vesp.* 9.2; *Titus* 6.1; Paul., *Fest.* 41 *conscripti*; 81 *equestre aes*; 102 *hordiarium aes*; Fest., 234 *privato sumptu*; *NA* 6.22.

23 Fest., 249 *praerogativae centuriae*; 233 *populi*; 177 *niquis scivit*; 234 *prohibere comitia*; 266 *rogatio*; 289 *respici avis*; 293 *scita plebei*; 330 *scitum populi*; 334 *sexagenarios*; 334 *sex suffragia*; Paul., *Fest.*, 38 *concilium*; 38 *contio*; 49 *curiata comitia*; 54 *centuriata comitia*; 66 *contio*; 113 *in conventione*; *NA* 18.7 (citing Verrius Flaccus); 15.27 (drawing on juristic sources); 5.19. Festus (p.241 *patricios*) refers to a work by L. Cincius *De Comitiis*.

24 Rawson, *Intellectual Life* 240f.; *LL* 5.87-91; 5.115-117; 7.56-58; Varro, *De Vita Populi Romani* frgg. 87f. Rip.; Paul., *Fest.* 18 *accensi*; 47 *caduceatores*; 77 *endo procinctu*; 109 *in procinctu*; 225 *procincta classis*; 369 *velati*; Fest., 186 *opima spolia*; 249 *procincta classis*; 355 *turmam*; *NA* 1.11; 1.25; 2.11; 5.6; 6.4; 10.8; 10.9; 10.25; 11.18; 16.10.

25 F. Wieacker, *Römische Rechtsgeschichte. Quellenkunde, Rechtsbildung, Jurisprudenz und Rechtsliteratur*, Handbuch der Altertumswissenschaft 10.3.1.1 (Munich, 1988), 101.

Gellius refers to his having read juristic works and it is unlikely that such reading would have come as a particularly unpleasant task for him: the scholarly nature of much legal writing is well known, as is its often inherent recording of antiquarian details. Cicero, in the *De Oratore*, makes Crassus speak of one of the results of occupation with the *ius civile* being an interest in the *antiquitates*; Tacitus has the jurist G. Cassius Longinus speak of the *amor antiqui moris* of some of his colleagues; and the Younger Pliny says of Aristo, "quantum antiquitas tenet!". Similarly the *Digest* (and in particular the chapter *de verborum significatione*) contains many examples of the jurists' use of etymology to understand the origin and hence explain the meaning of matters under discussion: the exegesis of the law seems, in most societies, often to rely on the interpretation of individual words, and we may compare Quintilian's reference to jurists "quorum summus circa verborum proprietatem labor est".[26] Furthermore, it is perhaps not insignificant that one of the earliest known works of Roman jurisprudence is Q. Mucius Scaevola's *liber* ὅρων, a 'book of definitions', the few surviving fragments of which suggest that it defined concepts and institutions of law.[27]

In Chapter Four I touched on the affinity between antiquarian works and works on sacral law and/or public law, and noted that these were areas in which the jurists generally showed little interest. It is most unlikely that one was not influenced by the other at an early stage in their development, if indeed they did not have a common origin. Perhaps the antiquarian method of treatment was initially thought best for writing about sacral and public law. And once it had started, it continued in the hands of the antiquarians. It is unclear which came first: antiquarian writing or writing on religion and public law.

We may perhaps see a common origin of antiquarian and juristic writing in the pontiffs and/or jurists, for as Schulz notes "the cradle of the science of private law is placed by Roman tradition in the college of pontiffs" (as a parallel we may note the pontifical influence on annalistic history). Then as the priestly/senatorial

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26 *NA* 20.10.6; 14.2.1; Cicero, *De Or.* 1.43.193 (cf. *Brutus* 21.81); Tacitus, *Ann.* 14.43; Pliny, *Epp.* 1.22.2 (cf. *NA* 11.18.16); *D.* 50.16; Quint., *Inst.* 5.14.34.

27 Schanz-Hosius, §80. Note also the *De Significatione Verborum quae ad Ius Civile Pertinent* of Aelius Gallus (Schanz-Hosius, §198; O. Lenel, *Palingenesia Iuris Civilis* (Leipzig, 1889, repr. Graz, 1960), 1.1-2).

elite's control of civil law waned, they may have turned more to writing on Rome's political and religious institutions.[28] At the same time, antiquarianism parted with historiography, which developed into a rhetorical and moral exercise. I have already mentioned Rawson's views on the development of systematic writing and the separation of historiography and antiquarianism. There is, however, also a wider intellectual atmosphere to take account of. This has been well summarised by Beard, and requires little further comment:

> Through the late Republic ... there was a growing tendency on the part of the Romans to classify and categorize their own experience and institutions. In part this was a predictable tendency within an increasingly complex society and needed no outside stimulus; but in part also Rome's increasing contact with the Greek world, and with intellectualizing systems of categorization developed there, encouraged the Romans to reflect on their society in Hellenizing terms.[29]

It is again worth stressing that Roman scholarship of the late Republic was not a mere passive receiver of Greek intellectualising systems, and this is particularly evident in the sphere of antiquarian scholarship, since its subject matter was so exclusively Roman that Greek systems would not be directly transferable. As North notes "it is necessary to be aware that Cicero and his contemporaries were not static reporters of a dead past, but actively engaged in the process of rethinking and rearranging traditional modes of thought and even traditional vocabulary."[30]

Writing on the political and religious institutions of Rome became a province of scholars. As far as we can tell antiquarian writing was a very Rome-centred occupation. In itself and combined with the material presented this suggests (the use of) access to and availability of such state archives as existed and the libraries of Rome. Gradually, the link with the priesthoods lessened, leaving antiquarianism as a stand-alone. It then started to turn its attention to other subjects. It did not write connected history - that was the province of historians and was not the way in which antiquarianism had developed. Instead the attention of antiquarian scholars also turned to the subjects which were of less importance for the historians.

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28 Cf. Schulz, *RLS*, 8-22. On the decline of the elite's control of civil law cf. W. Kunkel, *Herkunft und soziale Stellung der römischen Juristen* (Weimar, 1952), 45-55.

29 M. Beard, 'Priesthood in the Roman Republic' in M. Beard & J. North (eds.), *Pagan Priests. Religion and Power in the Ancient World* (London, 1990), 19-48, p.47.

30 J.A. North, 'Diviners and Divination at Rome' in *ibid.*, 51-71, p.57.

On the other hand, antiquarian writers seem not to have been at the top of the elite. They were rarely the political high-fliers of their families, and we know of few consuls who were also antiquarians: Ateius Capito may be something of a special case in view of his connections with Augustus, though in Macrobius' *Saturnalia* it is Praetextatus who has the religious knowledge. There would seem to be no such thing as a professional antiquarian: they were all amateurs, and some of them were gentleman amateurs. Neither do they proclaim themselves to be antiquarian scholars. This is probably the most significant difference between antiquarian scholars and grammarians, for the latter were for the most part professionals.

We have seen that there are a number of subjects and features which betray a common methodology, and which are shared by the antiquarian scholars at Rome. This common core suggests their, and their awareness of, belonging to a tradition of antiquarian studies. It is striking that this tradition seems to have become static following the Augustan period, after which no attempt seems to have been made to revise the boundaries of antiquarianism, only to refine the results of the researches of their predecessors. But how could those boundaries have been revised? They could hardly have been extended since, as we have seen, antiquarianism already covered virtually every aspect of the past: we should perhaps see this refinement as the the natural progression of antiquarian scholarship in the wake of Varro. Kaster is correct to suggest that "stagnation was nothing other than the stability of lasting achievement; the failure to evolve, a satisfaction with what was already effective".[31] It is unlikely that, without the development of new disciplines, such as scientific archaeology, Varro could have been 'improved' on: his successors had access only to the same sources which he had used, and of course Varro was closer to the Republican past than were the antiquarians of the Principate; Varro knew precisely what (say) the magistracies were like in his day. Moreover, it should be remembered that it is now impossible to ascertain the extent to which Varro did much more than collate the researches of his predecessors. Also we know remarkably little about how much competition there was, particularly in the centuries A.D., in Roman scholarly circles, that is, at an authorial level, rather than the social scholarship

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31 R. A. Kaster, *Guardians of Language: the Grammarian and Society in Late Antiquity* (Berkeley, Los Angeles & London, 1988), 196.

displayed in Gellius' dialogues. In the absence of such competition, there would quite naturally be no need to expand one's subject or to innovate one's treatment of it. And if we see Varro's works as encyclopaedic, it becomes easier to see why there was no advance on them.[32] The only advance would be when new situations posed new questions - questions which were not in the existing encyclopaedias. There was nothing so strikingly new in the second century that it would need independent antiquarian research to explain it. There is, however, no antiquarian attempt to define the authority of the principate (undoubtedly the most significant situation to arise after the composition of Varro's works), except in terms of its republican precedents, which was of course precisely how Augustus wanted it defined.

A large element in the static nature of Roman antiquarianism through the imperial period must have been the predominance of Varro. But this also tells us something about how the antiquarians and their audience perceived themselves and their relationship to the past (I shall return to the question of the audience shortly). Antiquarianism in its purest form was not retrospective *per se*, but looked back to the past to explain the institutions of the present. That the Roman elite placed great weight on precedents and valued their past is an almost platitudinous observation. But the fact that it was felt that contemporary institutions could be 'explained', their procedures elucidated, by reference to earlier versions of the institutions, shows the degree to which the cultural self-definition of the political and literary elite was based on models furnished by the early and middle Republic as 'restored' by Augustus. By way of example, I may mention again Varro's Εἰσαγωγικός: Dahlmann notes that

> auch bezieht sich Varro gar nicht so sehr darauf, wie Pompeius es nun in seinem Consulat zu machen habe, sondern er richtet weit häufiger seinen Blick zurück und erklärt dem Freund, wie es einst gewesen sei, als die strenge Art der Senatssitzung noch innegehalten wurde.[33]

But surely this is simply how Varro thought that he should explain senatorial procedure to Pompey (with a bit of Gellian compression and selection)? Was there another way? Is this not precisely how we would expect a Roman to explain something: by concrete reference to the procedure when it works, rather than by reference to theory?

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32 Cf. Dahlmann, 'Varro', 1257.
33 Dahlmann, 'Varro', 1250.

2. ANTIQUARIANISM AND SOCIETY: THE AIMS OF ANTIQUARIAN WRITING

When we turn to consider the aims of antiquarian writing, we encounter a number of possibilities, none of which are mutually exclusive. Possibly the only relatively certain thing that can be said is that the antiquarians did not write their works for direct financial gain, though it verges on the commonplace to say that they wrote antiquarian works to have influence on a wider range than their own intimates, and in so doing were attempting to ensure their own immortality. We cannot simply ignore or deny that an aim of antiquarian writers (as of all other writers) was to leave their name to posterity, attached to their work.

Varro's works and the *Naturalis Historia* belong with scientific literature in that they are based on careful research. But 'scientific literature' is usually taken to mean works like Cato's or Varro's *Res Rusticae,* Vitruvius, Frontinus, the *agrimensores* - the *artes* of the *trivium* and the *quadrivium* - which are not antiquarian. Antiquarian works can also be seen as didactic literature, though without an overwhelming didactic purpose: they were written to be consulted, not to preach. The primary aims of Roman antiquarianism seem to have been to explain contemporary institutions of public and private life by referring to their origins and development; and, more generally, simply to inform. Rather than to impose their own version, they seek to inform, largely by presenting the facts as known or perceived so that an informed decision could be made, or to enable one to function properly in society.

a) The Audience

But whom were antiquarian works intended to inform? If we can identify the intended audience, we also approach an understanding of the aims of the antiquarians, or at least the purposes to which their works were put.

To define the audience of antiquarian works is difficult: it will undoubtedly have comprised the educated, or rather those sufficiently educated, or those who wanted to appear so, to comprehend the content of antiquarian writing and to derive something (pleasure/utility/education) from it. But would these people

not have valued the literary style which antiquarian writing did not cultivate? Possibly, then, it was written for those without the grammarian's education, which would explain the information on the life and manners of the *maiores*, the *exempla* and the grammatical information in the *Noctes Atticae*. But for the most part the information provided by antiquarian works was different, or at least complementary to that provided by the grammarians; and it is surely going too far to suggest that antiquarian scholarship provided little more than a social climber's manual. Antiquarianism provided a digest of information not easily available elsewhere, and its lack of literary artistry would not impair its ability to do this effectively, at least until the established canons of literature began to define those texts which would survive beyond antiquity.

Initially antiquarian scholarship was presumably an interest of, and of interest to, (part of) the senatorial elite of the Republic. It would be easy to assume that antiquarianism was originally an oral medium, as this group discussed matters among themselves. Then, evidently, somebody decided to write it down. Was this an attempt to reach a wider audience? Given the problems of ancient 'publication', this is a difficult question. We have absolutely no idea how many copies were made of antiquarian works and who received them. Cicero had seen a copy of the *Antiquitates*; we presume that Caesar (as dedicatee) received a copy of the *Res Divinae* and that Pompey received the Εἰσαγωγικός which Varro addressed to him. But who received a copy of the *Epistolicae Quaestiones*? Ateius Capito and perhaps Gellius had access to this: from what the latter tells us of himself, he would no doubt have used a copy in a library. The *Epistolicae Quaestiones* was (apparently) a collection of 'letters': the content of the collection as a whole was probably quite miscellaneous.[34] It is perhaps not too far off the mark to see the work as Varro's *Kleine Schriften*, collected for more general consumption than could be hoped for the less accessible originals: we know from Gellius that the Εἰσαγωγικός, which Varro reproduced in the *Epistolicae Quaestiones*, was lost in Varro's own lifetime. Yet it is unclear whom this wider audience would have comprised.

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34 On the form of these cf. H. Dahlmann, 'Bemerkungen zu den Resten der Briefe Varros', *Museum Helveticum* 7 (1950), 200-220.

While this is not the place to become involved in the discussion of ancient book production and the book trade, it is worth noting that Gellius mentions that copies of Varro's works were available in one or more libraries. This may well have been largely what the antiquarian writers intended: that their works should serve as reference works. Their systematic nature, with separate headings for different subjects and perhaps even indices, would make them well suited to be reference works. We should of course remember that the audience, even if there were a copy available for all that wanted one, would be restricted to a small educated elite, largely, but not necessarily entirely, identical with the political elite.

We are accustomed to think of 'the Romans' as a practically minded people, unwont to theorise and suspicious of theoretical enquiry. While this is not the place to seek to overthrow that view, it is worth bearing in mind the upsurge in interest in philosophy, as reflected in the *oeuvres* of such as Cicero and Varro. We should perhaps see antiquarian writing in this context: as part of the remarkable urge in the late Republic to amass and codify knowledge in its widest sense, as in *scientia* or *Wissenschaft.*

We may wonder, for instance, what use was antiquarian writing on religion and religious institutions. Would the priesthoods not have provided their own training? It is certainly very difficult to believe that it could have been the responsibility of non-priests to provide this. Presumably works such as Messala's augural works were originally intended for augurs - and so represent the codification of their *scientia*, and to avoid 'errors' in the oral tradition of augural lore. If this were the case, should we then see such works as having been 'leaked'? Certainly in the second century A.D., Gellius could at least claim that Messala's works were in a public domain: no doubt the *Res Divinae* had put an end to the idea that this knowledge was 'private'. Of course, if everything goes back to Varro, then perhaps we should assume that Varro's own standing, and possible position as *XVvir sacris faciundis*, led to him being granted access to libraries of other priestly colleges. But presumably there was also no legal or moral bar to his 'publishing' this material.

It is perhaps improbable that Gellius, Plutarch *et al.* were explaining or exposing some of the *arcana imperii*. If this were the case, then it would seem that these matters were not really very arcane after all: indeed, if Gellius knew about them, should we not suppose that others did too? But perhaps it depended on what you had read, or had time to read. This brings us back to the question of what was the point of writing books on the subject if the people who needed to know (that is, the priests) already knew.

The first point which should be made is that not all of the *Res Divinae* was about the arcana of the priestly colleges. It is possible to see the section *de dis* as having a practical purpose: providing the information as to which gods one should deal with on particular occasions. But the work as a whole dealt with far more than that, and sufficiently more than that for the whole work to have been useful for more than any one purpose.

Secondly, we might see the *Res Divinae* as an attempt to halt the decline of traditional religion, to codify the religious lore of Rome before it was lost forever, or to restore the Roman people to piety towards the gods, which had lapsed in the civil wars.[35] The first and last of these three options are unlikely: it is very unclear how much of a decline there was; and the size of the *Antiquitates* would make the work singularly impractical for a task which, on this argument, was so urgent. It is very unlikely that Roman paganism would have disappeared without Varro, or that Varro thought that it would do so.

Thirdly, the works may have been written as a result of the same urge that makes anyone compile a reference work: to educate in an accessible manner. The scale, precision of detail and systematic treatment all point to the *Antiquitates* being a reference work. And it is worth bearing in mind that the codification of knowledge need not necessarily reflect an idea that that knowledge was about to be lost. If the *Antiquitates* were conceived as anything other than a encyclopaedic reference work on religion and politics at Rome, then we must also credit Varro (and his admirers through the ages) with a major failing in his sense of proportion.

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35 A.D. Momigliano, 'The Theological Efforts of the Roman Upper Classes in the First Century B.C.', *CPh* 79 (1984), 199-211, pp. 203ff., stresses this as Varro's aim, as well as that of Cicero in Book 2 of the *De Legibus*.

b) The social and educational function of antiquarian writing

We have so very little on which to base ideas about Roman intellectual-social life/relations, intellectual society, the social relations of intellectuals and so on, that it will hardly be surprising if I do not reach firm conclusions regarding the place of antiquarianism in society. There is, however, an obligation to discuss this, especially in the light of Kaster's recent work on the grammarians of late antiquity. There existed a series of hereditary values and traditions, and antiquarian writing served in part to preserve and maintain these.

Kaster's thesis is that the grammarian's school formed and perpetuated the elite and provided the means for the members of the elite to identify themselves. The grammarian's school doubtless contributed to this, but Kaster probably overstates its importance. Was the elite really more or less a secret society of men who recognised each other by what they had been taught by the grammarian? Kaster also makes little attempt to explain the writing of grammatical works by non-grammarians, such as Julius Caesar, Varro, and the elder Pliny. Yet, if we accept that the grammarians did some of the initial defining of the elite, and that the 'definees' then added their own further layers of definition - to define themselves as army commanders, historians, men of general culture and so on - then a parallel conclusion to that of Kaster would be that antiquarianism could be seen as the self-definition of the elite: the study of the development of the various institutions could be seen as the study of how the elite came to be elite; and, of course, very little, if any, notice is ever taken of how these institutions affected the man in the street.

If Kaster, who very much assumes an entirely homogeneous elite, is right that all the elite had an essentially equal level of 'literary culture', then might not knowing antiquarian details be a way of setting oneself apart from the mass of the elite, answering a need for individuality?

I have mentioned that antiquarianism could form a basis of information about the Roman state. This information could be used simply for pleasure, as we find in Gellius' *Noctes Atticae*. But Gellius can also use antiquarian works to find out how one should proceed in life, politics, religious affairs, the courts and so on. I have also mentioned the strong educational impulse in the *Noctes Atticae*,

and if we recall what has already been said above regarding the relation of grammarians and antiquarian writers, we now progress to consider what educational function antiquarian writing might have had at Rome.

The frequency of dedication of works to sons, or to someone who suggested or requested the work has led modern scholars to regard such dedications as fiction, or rather, to use a more fashionable phrase, as mere rhetoric. But in a world where different educational standards and aims were the norm, where availability of books and literature was very restricted, such dedications find a natural context and justification.

A father *was* largely responsible for his son's education, and the method by which the Roman learned to behave in public life was traditionally the *tirocinium fori*. Kaster provides a useful summary of the institution:

> The *tirocinium fori* was the traditional form of apprenticeship for public life, through which the prospective man of affairs attached himself as a youth to an established figure, learning how to act and speak as he followed his model and watched him go about his business. By its nature the *tirocinium* was part of a closed and rigid system that monopolised entry to a civic career. Access depended heavily on the ascribed status of the participants and the connections of family and friendship, and its methods were informal, based upon the personal relationship between the younger and the older man.[36]

So we might see antiquarian writing as an alternative - literary - apprenticeship: this was certainly true in the case of Varro's Εἰσαγωγικός *ad Cn. Pompeium*, and we may also compare the younger Pliny's comments on the limitations of the apprenticeship which he received under the reign of Domitian. Can we suggest that this system of apprenticeship broke down at times of crisis, and so led to antiquarian works? That Pliny does not mention Varro's Εἰσαγωγικός (or similar works), does not mean that it would have been of no use. Pliny might have simply thought it out of date, or not been able to obtain a copy, or did not wish to go to the effort of finding and reading it when he could consult an acquaintance. It is unlikely, of course, that a work could cover absolutely every query, though it is interesting that Asconius had a similar question.[37]

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36 Kaster, *op. cit.* (n.31), 52.
37 Pliny, *Epp.* 8.14; Asconius, *in Milonianam* pp.43f.C.

The Roman education system (such as it was) did not set down much beyond the general ethical principles of public life. The odd *exemplum* for this or that could also touch on some point of procedure, for example in the senate, but there was no training - of which we know - in history, law, or political procedure. There was no ancient equivalent of Erskine May's handbook on parliamentary practice, and nothing that we know of ancient education shows that it provided a systematic introduction to the practicalities of political life. Antiquarian works could fulfil this purpose.

The systematic nature of antiquarian scholarship lent itself well to the analysis of the history of institutions such as the magistracies, since the subject could be handled in various sections and subsections, and henceforth discussions of the duties and powers of magistrates were carried out in an antiquarian manner. Dahlmann has rightly pointed out that the *Antiquitates* were not a history of Roman antiquity (just as the *De Lingua Latina* was not a history of the Latin language), but were essentially "ein nach Stichworten geordenetes Handbuch".[38]

It is interesting that antiquarian scholars not only treated a particular subject in isolation, but the development of the magistracies was also apparently not treated as a whole, unless in parts which no longer exist, but rather each magistracy seems to have been discussed in turn. This, one assumes, must have been a deliberate decision in response to the perceived requirement: it would surely have been easier to extract and reproduce information on magistracies as it occured in annalistic works, maintaining the chronological framework. Evidently an overall picture of the development of the magistracies was felt to be less important than a work subdivided according to the individual magistracies. As this would involve the duplication of a certain amount of material (for instance, relating to the establishment of the plebeian magistrates), it would seem to point to the perceived usefulness of such a work as being for reference, when somebody wanted to know something about a particular magistracy.

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38 Dahlmann, 'Varro', 1230.

The essentially anecdotal/exemplary method of composition found in much of the *Noctes Atticae* could be seen as Gellius collecting the titbits which he remembered from his education. That would, however, be to deny the verisimilitude of those scenes in the *Noctes Atticae* which place Gellius in libraries and having learned discussions. Rather, it is as likely to reflect Gellius' realisation that this was how his audience were accustomed to learning about things. Material which was put forth in the manner of the articles of the *Noctes Atticae* could - and still can - be more easily assimilated than textbooks on, for example, the duties of a judge, the powers and jurisdiction of magistrates, the tenets of the philosophical schools, where such textbooks even existed.

The *Noctes Atticae* seem to aim, on the one hand to consolidate and build on the grammatical and linguistic knowledge which would be gained from the grammarian and, on the other, to supplement it in three principal areas: philosophy, antiquarian information and law. There were, of course, law schools, but these were apparently for training professionals, and furthermore seem not to have dealt with public law.

It is possible to see works such as the *Noctes Atticae* as serving a parallel purpose to collections of *exempla*, that is as time-savers and convenient packaging of information. They are encyclopaedias, though of a limited form. There is also an interesting parallel with legal literature: the works of Festus and Gellius represent a codification of knowledge into accessible works, principally about Rome's past, parallel to the codification of laws taking place in the second century. Sociologists and anthropologists could no doubt identify a number of factors which brought about this codification of laws and knowledge, though the prime factor must surely have been the vast amount of information and legislation in existence by the second century A.D.; and the sheer mass of information, much of it no doubt contradictory, must occasionally have proved unwieldy, if not confusing.

If Kaster is right that the grammarian was the "guardian of tradition" as well as of language, then we might see the antiquarian writers as either providing an alternative tradition, or as acting as the guardians of a tradition which was not

transmitted by the poets (whose works were the province of the grammarian).[39] The poets could not tell everything and did not really have very much to say about political institutions and the duties and powers of magistrates. There was obviously an overlap when they came to 'life and manners' and religious institutions - though one might say that to derive historical information about these two areas from the poets would depend on a grammarian's antiquarian learning, such as the participants display in Macrobius' *Saturnalia*.

So antiquarianism can be seen as part of the self-definition and self-justification of the elite. We can see that there would be a particular need for this in the flux of the late Republic, but the situation was surely different under Augustus and the Principate.

Antiquarian writing reinforced the moral, political and cultural values of the elite (as did most literature) - but in a passive way. It had not even the exemplary force of the *exempla* tradition or of historiography. Antiquarianism formed part of the Roman national self-identification. We need compare only Cicero, who congratulates Varro on having shown the Roman people 'who and whence we are'. Antiquarianism could answer questions such as 'where on earth does the *comitia tributa* come from?', 'is there a reason why the lictors carry bundles of rods and axes?', 'why are they called *fasces*?' and 'why are they called lictors?' These are perhaps petty matters but they reflect a whole mode of thought which emerges in the late Republic: a continuing, widespread and systematic enquiry into the Roman state and how it worked, occasioned in large part by the increasing complexity of that state.

c) Antiquarian moralising?

This work is not concerned with the definition of itself at which the elite arrived through antiquarianism. It is furthermore unclear whether that definition was in practical or moral/ethical terms, or both. We should, however, give some consideration to how antiquarianism regarded the past.

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39 Kaster, *op. cit.* (n.31), 18.

I have mentioned the possibility that antiquarian scholarship sought to restore a lost past and that antiquarian works seem largely to have been designed for reference use. Is antiquarian research into the past an exploration of it to see just how good 'the good old days' really were? As reference works, isagogic works or textbooks, antiquarian works can be seen as predominantly educational. It is, of course, also possible to detect a political aim in much antiquarian writing. Naturally it was impossible for the antiquarian writers not to be influenced by the background of the times in which they lived. It is, however, important to remember that antiquarianism was apparently always reactive, never proactive. The works of the late Republic, especially those of Varro, were at least partly a response to the turmoil of the times in which their writers found themselves. But in the absence of these works, as I have argued above, we cannot simply assume that they were moralising calls on their fellow citizens to return to old ways.[40] The *Antiquitates* certainly were too vast for that.

Might we not see antiquarian writing as a result of a realisation that things were changing and had changed and to ascertain the causes of that change? If it is argued that realising the important place of the Gracchi in the development of the late Republic, and saying that they split the state in two, is moralising, then Varro in the *De Vita Populi Romani* was moralising. But we cannot be at all certain that this is moralising. Roman antiquarianism was very one-sided in this respect: its main aim was to recover how the Romans of the past lived, worked, ran the state; and so could identify the causes of change or decline. But there is little to suggest that they laid any great stress on remedies to get themselves out of the mess in which they found themselves. And it is not at all clear that - civil war aside - Varro *et al.* thought they were in much of a mess.

The fundamental factor was a feeling not so much of the superiority of the past, as a desire to operate within a frame of reference to which the past contributed. Fronto's and Gellius' attitude to language shows that, while the present was often defined by reference to the past (and this was especially true of institutions), the past was not an exclusive frame of reference.

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40 See above pp.165-172.

If the antiquarian scholars were not moralisers in that they did not seek to supplant the present with an otherwise lost past, did they idealise the past about which they wrote? Did they, in codifying the past, invent a past, or invent traditions?

The first point to make is that the antiquarians should be distinguished from the poets and the historians, at least in the and their perception of their role. Varro's apparent hesitancy when speaking of the obscure and mythical past (which he seems only to have done in the *De Gente Populi Romani*) reflects the antiquarian concern with facts and, particularly, their explanation. And Varro's main purpose in the *De Gente* was to investigate the origins of the Roman people using Greek chronography; there is no indication that he sought to provide or invent a new history of Rome.

There, is of course, a significant problem here: antiquarian scholarship often provided the definitive account, and it is this account which has by and large come down to us. We simply do not know how much of, say, the history and functions of the tribunate, as codified by Varro and the Augustan scholars, was 'real' or invented by the codifiers. Similarly the nature and meaning of the *Carmen Saliare* may have been greatly influenced by late Republican attempts to explain it. Hobsbawm defines 'invented tradition' as

> a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past. In fact, where possible, they normally attempt to establish continuity with a suitable historic past. ... In short, they are responses to novel situations which take the form of references to old situations, or which establish their own past by quasi-obligatory repetition.[41]

The late Republic and Augustan period must have seen the invention of much of the tradition of Rome, and indeed Hobsbawm goes on to suggest that

> we should expect it [sc. the invention of tradition] to occur more frequently when a rapid transformation of society weakens or destroys the social patterns for which 'old' traditions had been designed, producing new ones to which they were not applicable, or when such old traditions and their institutional carriers and promulgators no longer prove sufficiently adaptable and flexible, or are otherwise eliminated: in short, when there are sufficiently large and rapid changes in the demand or the supply side.[42]

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41 E. Hobsbawm, 'Introduction: Inventing Traditions' in E. Hobsbawm and T. Ranger, *The Invention of Tradition* (Cambridge, 1983), 1-14, pp.1f.

42 *Ibid.* 4f.

Given the poor state of survival of Roman antiquarian literature, it is, however, unclear to what extent antiquarian writing was responsible for such invention. As just mentioned, Varro seems to have trodden warily when dealing with mythical times, and in general the antiquarian scholars of Rome seem to have preferred to err on the side of caution: I have noted their unwillingness to commit themselves to any particular view as a characteristic of much antiquarian writing. It is also worth bearing in mind that there is little sign of invention in the works of the scholars of the imperial period: such as Pliny and Gellius base their discussions firmly on existing traditions.

But at the time of the creation of the Principate the circumstances were right for the invention of Roman tradition and history and there can be little doubt that this happened: works on the Trojan origins of various Roman *gentes* are a good example, although Toohey may well be correct to see these works as more antiquarian-inspired than antiquarian and to see them serving not only political purposes:

> Politics can account for only a portion of the popularity of Trojan genealogies. These politically inspired, seemingly antiquarian tracts, which symbolise this trend, arguably are the product of a nascent sense of Roman nationalism which, in turn, is motivated by or motivates a strong prejudice against the Greeks.[43]

But it is less clear whether this invention was done 'deliberately', in accordance with some grand strategy or the inclination of a particular writer, or 'accidentally', by individual writers in response to lacunae or obscurities in the tradition which they had received. And I should repeat that we are as always governed by the restricted amount of ancient literature which survives: we are rarely in a position to judge whether a writer is merely transmitting an established tradition, or has invented it, and if the latter, whether this was done for a political or other purpose, or because they was a gap in the writer's knowledge, which needed to be filled for stylistic or whatever other reasons. It has also to be considered that there would be a limit to any invention: on the one hand it had simply to be credible; on the other hand, it could not stray too far from the established tradition with which those at whom the invention was aimed were familiar.

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43 P. Toohey, 'Politics, Prejudice and Trojan Genealogies: Varro, Hyginus, and Horace', *Arethusa* 17 (1984), 5-28, p.9.

d) The political function of antiquarian writing

Given that antiquarian writing dealt at length with the institutions by which Rome was governed, it is natural that it had a political function. As far as we know - until the juristic works *de this or that magistracy* of the third century A.D. (about which we know nothing) - antiquarian works provided the only written guide to the history and practice/procedure of Rome's political institutions. By doing so, antiquarian writing could, to a certain extent, control political life at Rome. This control seems to have been very much reactive, as antiquarianism sought to answer constitutional questions as they arose. The first change probably came with Varro, who collected all these answers in his *Antiquitates*, which thus became a guidebook to political life at Rome. There is, however, very little evidence that the *Antiquitates* were *designed* to control that to which Varro sought to provide a guidebook. Antiquarianism only became pro-active in the Augustan era, though even then it maintained the appearance of being reactive, and thereafter returned to being merely reactive. How much continuity of antiquarian scholarship was there into the Augustan era? Varro was still alive under Augustus, but apparently was neither for nor against the new regime. Verrius Flaccus and Ateius Capito represent the supporters of the new regime, but it is easy to see them as little more than propagandists. Both owed their position to Augustus and the works of both seem, through their use of antiquarian scholarship, to have sought to bolster the position of the new regime.

If antiquarianism was against change, was moralising, and wanted to return to the ways of Romulus or at least of Cato (which it was not and did not, though this is a useful question to ask), how and why did it become so useful in establishing the Augustan regime? The answer would seem to lie in what one might call the classicising tendencies of the Augustan regime: I need not list here the various institutions and customs which were reinstated by Augustus, and the Republican trappings with which he established himself as *princeps*. Few could object to the restoration of stability after the civil wars, but the Augustan regime

also sought precedents in Rome's past for its institutions - these precedents were found in the works of earlier antiquarians, especially Varro. As Dahlmann noted,

> Für die Augusteer, die die Absicht der *renovatio* Roms ohne seine [sc. Varro's] Forschung, im Stoff und in den Zielen, nie hätten in Angriff nehmen können, bedeutete seine Gelehrsamkeit nicht allein Rückblick, sondern den Ausgangspunkt zum Neuen und Grossen, das man verwirklichen wollte, um Altes im neuen Geist zu gestatten und in Wahrheit zu vollenden.[44]

Was the Augustan Principate what Varro and the antiquarian scholars of the Republic had wanted? This is hardly likely, except for the perceived (and actual) stability which it produced. Rather the Augustan regime took from the work of (say) Varro what it needed. This also explains the production of antiquarian works by active supporters of Augustus: these works represent the distillation of earlier antiquarian research, removing anything which might be contrary to the ideal of the Augustan principate. This may provide one further explanation as to why so little remains of Varro's works. The role of the poets and historians in establishing acceptance of the Augustan regime has long been recognised: the role of antiquarianism less so. But it is clear that it was essential for the precedents on which the regime actually rested. It needs stressing that one probable reason why the Augustan regime used antiquarian scholarship, and did so so sucessfully, was because it was something which caught the interest of many of the elite.

e) Antiquarianism for Pleasure: Antiquarian Scholarship in the Second Century A.D.

Under Augustus, antiquarian writing turned to the justification of monarchy, though there was also still an element of elite self-definition, or rather now self-redefinition. When we turn to the later periods - the first and second centuries A.D., and the age of Gellius - we may still detect an element of self-definition, and there is still an element of the justification of the monarchy; but now there is also an element of an interest for interest's sake. The changed conditions of the

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44 H. Dahlmann, 'Zu Varros antiquarisch-historischen Werken, besonders den Antiquitates Rerum Humanarum et Divinarum', *Congr. Stud. Varr.*, 163-176, p.176.

imperial period had created leisure. There appears to be an interest in acquiring knowledge for its own sake. But there were also social pressures behind it, as the *Noctes Atticae* shows clearly.

Modern classicists are on the defensive - forever seeking or inventing the "relevance" of their subject. It is not entirely clear that ancient students of Rome's past felt quite the same urgent necessity to establish the relevance of their subject. One thing is clear: not all antiquarianism was relevant in the second century A.D.; or even for that matter was everything in Varro's works relevant to the first century B.C. At least as far as we know.

But what should we count as relevant? If we take the *Noctes Atticae* as a reflection of second century society at Rome - and it was written by a man who wants us to know, or at least to think that he was part of learned society at Rome in the second century - then we need look no further for reasons why antiquarian works continued to be produced: there was an appetite among men of learning, and those who pretended to learning, for antiquarian information. These men seem also to have had an appetite for what are apparently trivia, which they used to entertain each other: while we can identify an interest in petty matters, it must remain for those expert in other disciplines to explain it.

Antiquarian knowledge and trivia on a wide variety of matters were relevant to the sort of dinner parties which Gellius attended: need we look for any further relevance? They liked it and found it interesting: the popularity of antiquarianism could have been quite superficial; it need not have had any ulterior motive. Furthermore, there is little indication that the elite of earlier generations at Rome were any less interested in antiquarian scholarship for its own sake. However hard we try to discover the 'real' reasons or the 'true relevance' of antiquarian subjects, there will always be some miscellaneous, or even bizarre, material left over. *Mirabilia* for instance were of no practical use to anyone - except perhaps the entertainer or story-teller. Most modern forms of (especially mass) entertainment have little practical use - some indeed owe their success to their

uselessness, to the triviality of their pursuits. Varro and the elder Pliny might have regarded the taking part in games of Trivial Pursuits as beneath their dignity, but Gellius shows us these games in progress at a house-party in Athens during the *Saturnalia*.[45]

To take a concrete example, Gordon has noted that the calendars which appear in the late Republic contain a vast sum of information, all carefully categorised:

> A rational and articulate process of selection and allocation of information has taken place. Some of the information given in the calendars is certainly 'practical', but it would be a mistake to assume ... due to a new interest in practical information. For in fact a great deal of the information is quite gratuitous, merely 'interesting', as well as highly unystematic.[46]

The same selection and allocation is visible in what remains of Verrius Flaccus' *De Verborum Significatu*. One result of the unsystematic nature of some of this information was the production of commentaries, for example those of Ovid, Verrius Flaccus, Varro, and Suetonius, though it is interesting to consider how far would it be possible to compile these calendars without at least some of the research provided by the commentaries.

On one occasion Gellius writes of a work *De Loquendi Proprietate* by Aelius Melissus, saying that 'the work's title is a great enticement to read it' (which is very applicable to the *Noctes Atticae*). This is worthy of notice. If Gellius could regard a work's title as an enticement to read it; if a clever/witty/snappy title could attract the reader; and given that Gellius could see the efficacy of such a title, then this is a clear sign that he - and one presumes many others like him - were accustomed to looking through shelves or catalogues of books, and that their attention could be caught by the title of a work which they would then buy or more probably read. Put more simply, they had a choice of what to read, and their decision could be based on nothing more significant than the work's title. This stray remark by Gellius provides a clear picture of a milieu where books

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45 *NA* 18.2; 18.13.

46 R. Gordon, 'From Republic to Principate: priesthood, religion and ideology' in M. Beard & J. North (eds.), *Pagan Priests. Religion and Power in the Ancient World* (London, 1990), 179-198, pp. 184-188. We have fragments of calendars dating from the start of the Principate to Claudius' reign.

were read at leisure and for pleasure because they were, or at least sounded, interesting; and we do not have to extrapolate very far from this to reach the parallel conclusion that at least some authors wrote for such an audience.[47]

There can be little doubt that antiquarianism could also entertain. (It is, of course, worth noting that entertainment and education can be closely related, and the former can contribute to the effectiveness of the latter.) There was a social constraint to know about one's past: both the constraint and the superficial nature of much of this knowledge are well reflected in the contents of the *Noctes Atticae*, of Macrobius' *Saturnalia*, and also in much surviving epistolography. Kaster, notes that the grammarian Pompeius

> is intent on preparing the reader ... for situations in which he can expect to be put on his mettle. "If anyone asks you" is a constant refrain, together with the negative counterpart, "Take care lest anyone put a question to you in this matter" You must anticipate the question, How do you prove this?[48]

Similarly, the *Noctes Atticae* provides a preparation for the trials and tribulations of, at least, social, dinner-party chit-chat, if not public life. Why there was this need and why antiquarianism was so important in fulfilling it are not simple questions, and need the investigations of a sociologist or psychologist. One's knowledge was assumed to be wide-based, as indeed it would be following the grammarian's education. Yet - as is evident from the *Noctes Atticae* - it was also expected to be less superficial than it would seem might be the result of that education, for Kaster's summation would not seem too far off the mark:

> Far from understanding his culture, the man emerging from the schools of grammar and rhetoric would have no overall view of history, only a memory of disjointed but edifying vignettes; no systematic knowledge of philosophy or of any philosophic school, but a collection of ethical commonplaces; no organic sense even of the language he had so painstakingly acquired, but rules and categories, divided and subdivided, or rare lexical tidbits to display like precious jewels. The items amassed over years of schooling, like slips filed away in a vast rank of pigeon-holes, could be summoned up individually and combined to meet the needs of the moment, but no unifying relationship among them was perceived.[49]

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47 *NA* 18.6.3.
48 Kaster, *op. cit.* (n.31), 165.
49 Kaster, *op. cit.*, 12.

We occasionally encounter the realisation that this was not always adequate. In the *De Re Rustica*, Varro says "nemo enim omnia potest scire" ('nobody can know everything'): Varro's purpose in his writings could be seen as providing a means by which one could at least find out about virtually anything.[50] If one's knowledge were indeed so disjointed then it is evident that there would be a need for something (books, lectures, further education of some form) which could provide a 'unifying relationship'. Gellius' *Noctes Atticae* might be seen as a collection of titbits, the result of an education at the hands of one of Kaster's grammarians, but there is also a deeper insight to be found in some articles. Gellius' account of Roman legislation concerning theft, for example, if rather more concise, does not differ in essentials from that of Gaius in his *Institutiones*.[51] It is surely not unreasonable to suggest that such apparent expertise may have extended to other areas in the works of other antiquarians, if not of Gellius.

There is a point at which the interest in a subject becomes an interest for its own sake: the accumulation and deployment of knowledge for pleasure, as a relaxation. This is stressed by Gellius throughout the *Noctes Atticae*. Similarly the participants in the dialogue of Macrobius' *Saturnalia* are supposedly there for their own enjoyment, and such is also - though to a lesser degree - the case for Cicero's dialogues. The dialogue form is of course an artifice, a literary device to make the material presented more palatable. But can we deny all verisimilitude? It is worth noting that these are not professional seminars, or dialogues at the Fondation Hardt: the participants are explicitly said to be at leisure. If we deny that this was a way in which the educated elite might like to spend their leisure, then we deny the effectiveness of the literary device of the dialogue, for the dramatic situation would seem so unreal that is could not serve its purpose. It is worth noting the growing importance in the second century of literature which could entertain: we need compare only one of the major phenomena of the age, the *Konzertredner* of the second Sophistic.

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50 *RR* 2.1.2.

51 *NA* 11.18.6-15; Gaius, *Inst.* 3.184-202. Similarly, on the *legis actio sacramento in rem* compare *NA* 20.10.7 and Gaius *Inst.* 4.5, *NA* 20.10.9 and Gaius 4.17.

Possibly there was also some idea that the past should be kept alive because it might become relevant. If antiquarian writing on the magistracies could turn out to be relevant in the second century A.D., might not antiquarian writing on, for example, the calendar? How the ancient Latins dealt with dowries might have helped provide a precedent in an intractable law suit about a dowry, and so on. These are the arguments which Gellius might - and does - use to justify the inclusion of such material in the *Noctes Atticae*. It is too often assumed that when an ancient writer says something about his motives then that statement is some kind of smoke screen for his true, hidden motives. In some cases this might be appropriate, but we cannot simply dismiss what such as Gellius say simply because they did not leave it unsaid and because we know better. We do not know how an author's contemporaries would react when they read his works. If, as seems likely, the authorship and readership of ancient literature were restricted to the same relatively small circle, then such supposed rhetorical commonplaces as the dedication of works to sons would be more than platitudinous, they would be pointless. The dedication of a work to the writer's son(s) is a good example: Jansen reports that it is "a popular practice among writers of textbooks throughout antiquity".[52] Is it really only mere rhetoric? Even if it were only a cliché, it does - like Gellius' scenes - have verisimilitude; and reflects reality, for a father had a large degree of responsibility for the education of his children.

Eduard Norden condemned the intellectual world of the second century A.D.: he saw the people of the century as old men who remembered a happier childhood. Norden seems to have been too preoccupied with the idea of the decline of literature in the second century to see that the varied interests of literary society might be a sign of intellectual vitality: the apparent experimentation of the *poetae novelli* and the popularity of sophistic rhetoric combine with appreciation of Cicero, Vergil, Ennius and others. Gellius is as eager to listen to the sophist Favorinus, or the contemporary poet, Julius Paulus, as he is the *Ennianista* at Puteoli. For Norden, it was a characteristic of the

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52 T. Janson, *Latin Prose Prefaces. Studies in Literary Conventions* (Stockholm, 1964), 117 n.3.

second century, as an age of decline, that the incompatible was mixed without understanding. How, wondered Norden, was it possible, for example, that Hadrian could find pleasure in Ennius and yet compose a 'verselet' in the style of the *poetae novelli*? Considering the fantastic peculiarities, Norden continues, Hadrian had produced in his Villa, we cannot be amazed by anything else, for example that Julia Balbilla (a lady from the closest entourage of the emperor and his consort), composed poetry in the Aeolic dialect. Norden's viewpoint is, of course, too narrow: it is precisely because, in the relatively stable world of the second century, they had access to such a wide variety of 'incompatibles' that they learned to enjoy them.[53]

What is characteristic of the age is that it is an age of unification. Just as Hadrian's Villa draws together many architectural strands to make something of a whole, so the literary culture of the age drew on many strands from the cultural patrimony of the age. This is very clearly represented by Fronto: the study of old orators, which he recommends to Marcus Aurelius, is not to enable one to live, or pretend to live, in the past or to speak in the language of the past (something which Gellius is strongly against). Rather it serves two purposes: first, to make Marcus Aurelius aware of the amplitude of Latin vocabulary available to him, and so to enable him always to use words which convey his meaning precisely. Frontonian doctrine seems as much, if not more, lexicographical than literary: emphasis is on words, not literature. Secondly, of course, the study was to extend Marcus' awareness of his cultural inheritance. And this is more widely applicable. The second century seems to have witnessed a desire for self-identification, to set the present in its historical and cultural context.

In the second century there was a realisation of the intellectual, linguistic and historical patrimony of the Roman state: quite probably at least in part a result of, or reaction to Greek influence. The impetus for this realisation and the need for self-identification no doubt came largely from Hadrianic and Antonine policies of consolidation and unification. Within the new, unified empire which

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53 E. Norden, *Die antike Kunstprosa vom VI. Jahrhundert v. Chr. bis in die Zeit der Renaissance*[3] (Leipzig-Berlin, 1915), 345-349.

Hadrian sought to create - we do not know what the response of the Roman elite was to this - and at a time of increasing participation of Greeks in the administration of Rome, the need for self-identification of the old elite of Rome may have been felt more acutely.

This is reflected in 'archaism', or rather the selection of the 'right' word from a vocabulary increased to take account of more or less obsolete words - as recommended by Fronto. Much of Fronto's relationship with Marcus Aurelius - as revealed in his letters - seems to be taken up with what Kaster sees as the grammarians' business, especially the business of *verba insperata atque inopinata*.

If Vergil and Cicero continued as the mainstay of grammatical and rhetorical education, why should Varro not continue as the reference work which formed the further education for those in public life? What is perhaps more surprising than the dominance of Varronian scholarship, is that we hear of no commentaries on Varro. It is interesting in this connexion, that Gellius seems to feel little need to *explain* Varro; for the most part he simply reproduces relevant extracts. This suggests that the systematic presentation of Varro's works with his unrhetorical language did away with the obscurities, to the explanation of which in Vergil's works the grammarians devoted so much energy, and so Varro's works needed little 'explanation'.

The only 'crisis' of Latin literature of the second century A.D. is one of survival of texts. Gellius presents a picture of a literary society very busy among itself, though already beginning to operate within the canons of literature which have survived through to modern times. Many classical scholars today would rate Cicero and Vergil above Seneca, as Gellius and Fronto did. Much of the supposed adherence to Cato and Coelius Antipater emerges as little more than posturing. Gellius makes it quite plain that one should not use antiquated language for the quite simple reason that few would understand outside a restricted circle, which perhaps enjoyed the intellectual cleverness of playing with archaisms. Fronto and Gellius, however, do not really approve of these games, and Florus avoids archaism.[54]

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54 On Florus' style, cf. P. Jal, *Florus, Oeuvres* (Paris, 1967), XLIII - LXIX.

Summary

Antiquarianism was an alternative mode of thinking about the past to that provided by historiography and epic poetry. Antiquarian writing contrasts with historiography and epic poetry by being a scholarly genre. It avoids the literary elaboration and possible falsification of the other two by being based on facts, as they were known or perceived at the time.

Roman antiquarian writing emerged in the second century B.C. and reached its technical apogee with Varro and, it would seem, the peak of its popularity in the Augustan era. But antiquarianism continued to be an important interest of many of the elite, through the imperial period and probably into the Middle Ages. In the imperial period antiquarian writing was apparently no less popular, though it seems no longer to have much relation to political life. Instead it seems to become the object of scholarly curiosity, and to form part of the education of a 'gentleman'. On the one hand, the possession of antiquarian information marked one out as a 'cultured gentleman', while on the other, it could simply provide table-talk, a trivial pursuit, in which one could indulge during one's leisure.

Antiquarian writing had a number of aims, though perhaps the most important factor to bear in mind is that the elite of Rome enjoyed antiquarianism: it could be a leisure pursuit. If we are to look beyond this, then it is clear that the prime aim of antiquarian writing was educational. Just as it provided an alternative mode of investigation of the past to historiography and epic, it provided an addition to the education received from the grammarian and rhetor. Antiquarianism's apparent emphasis on the institutions by which Rome was governed, made it a useful introduction and reference to public life at Rome.

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